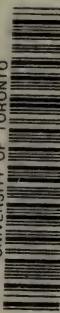


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Publications of the

ChorASBY



SOCIETY.

Miscellanea

INDEX

The Thoresby Society,

16, QUEEN SQUARE, LEEDS.

The Society was formed in 1889 for antiquarian, historical and genealogical objects in connection with Leeds and District, and issues to its members publications of local interest.

Subscription (including publications for the year), 10s. 6d. per annum. Life Fee, £7 7s.

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This is a fine book, and can be strongly recommended.

" ST. JOHN'S CHURCH, LEEDS," by Mr. J. E. Stocks, 3/-.

PLAN SHOWING TEMPLARS' CROSSES IN LEEDS, 2/-.

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There was a "Complete Band and Full Chorus"—Leader, Mr. Cramer—and in addition to the "Double Drums" from Westminster Abbey, a "Capital Organ" was brought from London. Tickets admitting to all the performances were £1 5s. each.

The *Intelligencer* of Monday, October 4th, informed its readers that—

"The preparations for our approaching Musical Festival are nearly completed. The Organ and Galleries in the Church are already erected, and in the course of yesterday most of the principal performers arrived in town. We learn with great pleasure that all the Noble Patrons will honour the Meeting with their presence, accompanied by large parties so that Leeds not only promises to be a Scene of Extraordinary gaiety during the present Week but much exquisite entertainment may be expected by the Lovers of Music, and our Infirmary we trust will considerably benefit."

The patrons were Earl Fitzwilliam, the Earl of Mexborough, Lord Loughborough, and Sir William Milner, Bt. The Festival began at 11 a.m. on Wednesday, October 6th. The programme was as follows:

"Part I. Overture to Occasional Oratorio, Song 'Shall I in Mamre's fertile Plains,' 'For all these mercies' (Joshua), Recitative 'This new Creation,' Air 'Vain your Triumph' (Israel in Egypt), Air 'Jehovah Crowned,' Chorus 'He Comes' (Esther), Song 'Total Eclipse,' Chorus 'O first created Beam,' Song 'Let the Bright Seraphim,' Chorus 'Let their Celestial Concerts' (Samson).

Part II. 5th Grand Concerto, Song 'Praise the Lord' (Esther), Song 'He layeth the Beams of his Chambers' (Redemption), Song 'Every Day will I give thanks,' Anthem, Chorus 'Immortal Lord of Earth and Skies' (Deborah), Song 'Angels ever bright and fair' (Theodora), Duet 'Cease thy Anguish' (Athaliah), Chorus 'The Lord shall reign,' Recitative 'For the House of Pharoah,' Air and double Chorus (Israel in Egypt).

Part III. Introduction and Chorus 'Ye Sons of Israel' (Joshua), Song 'Thou shalt bring them in,' Chorus 'He gave them Hailstones,' Song 'Great Jehovah's awful Word (Israel in Egypt), Chorus 'From the Censer' (Solomon), Song 'Lord, remember David' (Redemption), Chorus 'O God, who in thy heavenly Hand' (Joseph), Recitative 'Ye sacred Priests,' Air 'Farewell ye limpid Springs' (Jephtha), and the Coronation Anthem 'Zadok the Priest.'"

In the evening there was a Grand Miscellaneous Concert at the Theatre beginning at 7 o'clock. The principal vocalists sang songs and glees.

On Thursday morning the "Messiah" was performed, and in the evening there was a ball at the Assembly Room.

A second grand performance of selections from the works of Handel was given on Friday morning, being the same that was

rendered in Westminster Abbey. The only instrumental pieces played were at the beginning of each part: The Overture from "Samson" (Part I), the Second Oboe Concerto at the commencement of Part II, and the Dead March in "Saul" (Part III), all the other music being vocal. Selections were performed from "Samson," "Time and Truth," "Athaliah," "Saul," "Israel in Egypt," "Jephtha," and the "Redemption." The concert concluded with the Full Chorus, "The dead shall live," from Dryden's Ode.

Another miscellaneous concert at the Theatre concluded this remarkable Festival.

The *Intelligencer* of October 12th gave unstinted praise to every part of it, but particularly the choruses, "which were conducted by Mr. Harrison and went off with the utmost precision and effect. Many of them were repeated in obedience to signals from the Patrons' Seat," and the "Lovers of Music" were said to have been highly gratified.

On Tuesday, March 29th, 1791, a concert was given at the Assembly Room, the performers, with the exception of Mr. Lawton, being new to Leeds. Among them were Miss Sutcliffe and Mr. Platt, from Manchester, and a performer on the bassoon named Wilson.

In November of the same year a concert took place "for the benefit of Mr. Meredith."

The vocalists were Mrs. Shepley and Mr. Meredith, and there was also a band, conducted by Mr. Haigh, of Manchester. The following music was performed:

"Part I. Grand Overture Haydn, Song Mr. Meredith, Concerto Pleyel, Trio 'Disdainful of Danger' from 'Judas Maccabæus,' Solo Violoncello Mr. Lawton, Song Mrs. Shepley, Concerto Flute Mr. Nicholson.

Part II. Concerto Violin Mr. Haigh, Song Mr. Meredith, 5th Grand Concerto Handel, Song Mrs. Shepley, Overture Pleyel."

Nearly four hundred ladies and gentlemen attended this concert, and the soloists "acquitted themselves much to the satisfaction of the Audience, and added greatly to their present well known reputations."

In December it was proposed to arrange for six concerts as soon as one hundred subscribers of one guinea could be obtained. Each subscriber of one guinea to have two transferable tickets to admit a lady and a gentleman. A single transferable ticket for a lady or gentleman for the six concerts, 12/6, non-subscribers' tickets, 3/6 each.

The vocal parts were to be performed by Miss Dall and Mrs. Hudson. The principal instrumentalists were Mr. Hudson and Mr. Porter, violins; Mr. Erskine, hautboy; Mr. Wilson, bassoon; and Mr. Lawton, violoncello. Tickets to be obtained at E. Porter's Music Shop in Briggate.

On February 1st, 1792, Mrs. P. Arnold advertised a concert in the Theatre. The building was "to be carefully aired and rendered perfectly warm and comfortable," and an orchestra of "between thirty and forty of the most eminent Performers in this and the adjacent Counties" engaged.

Mrs. Arnold reverted to the absurd custom of dividing the concert into "Acts," the first of these containing the following selections:

"Overture Haydn, Recitative and Song 'Comfort ye' and 'Every valley' from the 'Messiah,' Mrs. Arnold; Sinfonia Pleyel, Duett 'Sweet is the breath of Morn,' a Gentleman and Mrs. Arnold; Concerto (oboe) Mr. Hughes of Manchester, Song 'When the Silver Clarion sounding' Mrs. Arnold, with Giordani's elegant accompaniment on the Clarinet, by Mr. Humphries from the Music Hall, Liverpool; Glee (4 voices) 'By Greenwood Shade,' Sinfonia Bach.

Act II. Overture Pleyel, Song 'Tantivy the Welkin resounds' Mrs. Arnold, with obligato accompaniments on the Horns by Mr. Humphries and Mr. H. Humphries of Liverpool; Concerto Bassoon, Mr. Wilson; Song, a gentleman; Concerto Clarinet, Mr. Humphries; Song 'The Soldier tired of War's alarms,' Mrs. Arnold, with obligato accompaniment on the Trumpet by Mr. Humphries; Glee (4 voices); Grand Sinfonia Haydn."

Boxes and Pit together 3/8, Gallery 2/8, Upper Gallery 1/8.

The doors to be opened at a quarter to Six and the Concert to commence at half past."

This concert seems to have been a failure, and another attempt was made on February 15th. The *Intelligencer* advised the lady "to separate the Pit from the Boxes and to introduce some of Handel's favourite choruses."

Mrs. Arnold reduced the price of the Pit to 2/6, but she did not take the latter part of the advice, and the concert was again unsuccessful. A third and last effort was made on March 9th, but, although the theatre was "carefully aired and Fires kept up daily," it seems to have shared the fate of the preceding performances.

In May, 1792, Mr. David Lawton,¹ of Rotherham, was elected organist of the Leeds Parish Church at a salary of £30, Mr. Warburton

¹ Mr. David Lawton occupied the position of organist of the Leeds Parish Church until his death in 1807. He was also organist of St. Paul's, Park Square, where an organ was erected in 1800.

having resigned. In a little more than a week after his appointment he "respectfully informs Ladies and Gentlemen of the Town and neighbourhood that he is now fixed in this place and may be met with at his house in St. Peter's Square where his Terms of Teaching and other Information may be obtained."

In July, 1792, the *Intelligencer* has "the pleasure to inform our readers that the first stone of the intended Concert Hall was laid on Monday last, in the street now making from Boar Lane to Upper-head Row (and which we understand is to be called Albion Street).

On the ground floor will be a Hall for Woollen Manufactures, which will accommodate such as are excluded from the Cloth Halls and afford great Convenience to the Manufacturers of blankets in the sale of their goods.

The Concert Room is to be erected from the plan of an architect from whom we expect much and we doubt not but these undertakings which are intended for the interest as well as the amusement of the inhabitants will meet with the encouragement they so justly deserve."

On November 19th, 1792, a "Mr. Bormolaski" gave a Concert of Instrumental Music at the Assembly Room for his own Benefit, playing a composition by himself on the Guitar, and a Band under the leadership of Mr. Lawton performed selections of music, the evening concluding with a Ball.

In this year the Town's Band again comes before the notice of the public.

Many associations were formed about this time for the protection of liberty and property against "republicans and levellers." Meetings were held in Leeds to make public Declarations of Loyalty to the Constitution, and "God save the King" was sung in the Parish Church, accompanied by the organ "in excellent time," and it was also sung at the Market Cross and other places aided by the Town's Band.

On January 14th, 1793, Mr. Dahmen, a violinist and composer, promoted a concert at the Assembly Room in Leeds.

The programme consisted of overtures by Haydn and Pleyel, a symphony (Stamitz), one or two songs, and a solo on the violin composed and played by Mr. Dahmen, who afterwards joined in a quartetto with Messrs. Lawton, Porter, and S. Lawton, this also being his own composition.

There does not appear to have been another concert noted in 1793.

In January, 1794, the New Music Hall in Albion Street was completed, and it was announced that it would be opened on

Wednesday, the 29th, and Friday, the 31st of that month.

A preliminary advertisement stated that the "Managers of the Concerts," in order to render the performances as interesting as possible, had engaged Mr. Dahmen and Mr. John Dahmen from London, and added the information that "proper Care will be taken that the Room is well aired," also in order "to make the Road easy & commodious Torches will be placed at proper distances to light the carriages from Boar Lane."

The concerts were to be conducted by Mr. Lawton, the vocal parts by Miss Milne and Mr. Meredith, first violin and solo concerto Mr. Dahmen, principal 'cello and solo concerto Mr. J. Dahmen, concerto on the flute by Mr. Lever and on the oboe by Mr. Erskine, and the public were assured that the band would be "numerous and respectable."

The concerts to begin precisely at 7 o'clock, and "Bills of each performance to be given at the Door."

"Tickets for the two Performances 10/s, a Single Ticket 6/s."

The *Intelligencer* of January 29th "cannot but congratulate the amateurs of music on the prospect of their treat in the New Music Hall but have just received information Mr. Meredith will not be able to appear, still another gentleman *is wrote for* to supply his place."

There is no subsequent account of these concerts, but it is to be hoped they were a success, and the gentleman who was "wrote for" proved an adequate substitute for Mr. Meredith.

In March, 1794, Mr. Lawton advertised for "an apprentice," adding that "none but a youth of Musical Talent need apply."

As this appeared a good many times in the *Intelligencer* there seems to have been a little difficulty in finding a "youth of Musical Talent."

In April of this year Mrs. Hudson, of York, died; she had frequently sung at the Leeds concerts.

Theatricals under the management of the celebrated Tate Wilkinson, were very popular in Leeds during 1794, and the raising of a Corps of Volunteers took up a good deal of attention.

In October, 1794, the public were informed that a concert would be given in the New Music Hall on Thursday, the 30th, the performers being Mr. Lawton, leader of the band; vocalists Miss Milne and Mr. Meredith, violin Mr. Porter, oboe Mr. Erskine, German flute Mr. Lever, and Mr. J. Dahmen, principal violoncello at Salomon's concerts, Hanover Square.

This seems to have been a kind of opening concert for the winter season, and proposals were made for five concerts to be given as soon as a sufficient number of subscribers had notified their names to the managers of the concerts. The terms were to be:

Ticket for 5 Concerts for Gentleman which will admit Subscriber and a Lady or two Ladies £1 1s. To admit a Gentleman, transferable to a Lady, 15/8. To admit a Lady, not transferable, 10/6. No Gentleman residing in the Township of Leeds to be admitted unless a subscriber. Admittance to Strangers 3/6 each Performance. Subscriptions taken by Mr. Binns.

A week or two later the *Intelligencer* urges those who mean to subscribe to do so as early as possible, as the managers will make no engagements until there are a certain number of Subscribers.

The public are also informed that the Music Hall "for Elegance and being well adapted for Sound is exceeded by few in the Kingdom," and at the concert given on October 30th, "judging by the *Applauses* it gave general Satisfaction to a genteel Audience."

The subscribers seem to have come forward rapidly, and the first of the series of five concerts was advertised to take place on Thursday, November 27th.

The public, having been assured that "Good Fires would be kept in the Room for some days before the Performance," would have no apprehension of dampness.

Part I. Overture, Song Miss Milne, Concerto Oboe Mr. Erskine, Song Signor Trisorio, Symphony.

Part II. Overture, Song Miss Milne, Concerto Violoncello Mr. Dahmen, Song Signor Trisorio, Finale.

A note stated that the managers were happy in "having had it in their power to engage Signor Trisori; late Professor of Italian music at the Court of Portugal to sing at the first concert; which they flatter themselves will be acceptable to the subscribers on account of the Merit of this Gentleman and the variety in the style of singing."

The programme of the Second Subscription Concert, December 12th, was:

Part I. Overture, Song Miss Milne, Symphony, Song Mr. Meredith, Concerto Oboe Mr. Erskine.

Part II. Overture, Song Miss Milne, Concerto Violoncello Mr. Dahmen, Song Mr. Meredith, Finale.

The Third Concert was on January 8th, 1795:

Part I. Overture Haydn, Song Miss Milne, Concerto Corelli, Song Mr. Meredith, Concerto Flute Mr. Lever.

Part II. Overture Pleyel, Song Miss Milne, New Concerto Violoncello Mr. Dahmen, Song Mr. Meredith, Finale.

Before the Fourth Subscription Concert took place Mr. John Dahmen contrived to have a Benefit Concert, during which he introduced a new Composition of Turkish music.

Fourth Subscription Concert, Thursday, February 5th, 1795:

Part I. Overture Pleyel, Song Miss Milne, Concerto Violini Mr. Lawton, Song Mr. Meredith, Overture Handel.

Part II. Symphony Jomelli, Song Miss Milne, Concerto Oboe Mr. Erskine, Song Mr. Meredith, Finale.

Fifth and last Subscription Concert, March 5th:

Part I. Overture Handel, Song Miss Milne, Concertante Pleyel, Song Mr. Meredith, Concerto Flute Mr. Lever.

Part II. Grand Overture Clementi, Song Miss Milne, Concerto Oboe Mr. Erskine, Song Mr. Meredith, Finale.

All these concerts were followed by a Ball.

In May, 1795, the Great Review of Volunteers took place on Chapelton Moor and a concert was given at the Music Hall, under the Patronage of Colonel Lloyd and the Officers and Corps of all the Volunteers assembled at the time. It was promoted by Mr. Darcy Lever (sergeant in the 2nd Battalion of Leeds Volunteers).

Mr. Lever appears to have been a vocalist as well as a flautist.

The leader of the Band was Mr. Hudson, from York, and the programme was very similar to that of preceding concerts:

Part I. Grand Overture Pleyel, Song Mrs. Shepley, Concerto Bassoon Mr. Wilson, Song Mr. Meredith, Concerto Harpsichord Mr. Sampson (organist of Wakefield).

Part II. Overture to Lodoiska, Song Mrs. Shepley, Concerto German Flute Mr. Lever, Song Mr. Meredith, Concerto Oboe Mr. Erskine, Glee Messrs. Meredith, Lever and Mrs. Shepley, Finale.

The band was stated to be "Complete and full," and every exertion was used to render the concert "worthy so loyal and respectable a Patronage."

It was undoubtedly a great success, being attended by upwards of 700 ladies and gentlemen.

Mr. Lever, probably encouraged by this, inserted an advertisement in the newspapers to the effect that he proposed "instructing a few pupils in the Art of playing the German Flute on New Principals, a new method of Tongueing, Fingering and producing the proper Embouchure."

Particulars of his terms were to be had at his house in Grove Place, near Providence Row.

Mr. John Dahmen also proposed to give lessons on the violoncello in Leeds and neighbourhood "until his return to London which will be in about 3 weeks." Application for his terms were to be made at Mr. Story's, St. James' Street.

Mr. Lawton's Benefit Concert in October, 1795, is noteworthy on account of having in the programme the first mention of the *Pianoforte* in Leeds, a concerto being played on this instrument by Mr. Lawton.

Sir George Groves, in his *Dictionary of Music*, mentions that the King's Birthday Ode was accompanied by the harpsichord until June 4th, 1795, when a grand piano was substituted, a harpsichord having been used for the rehearsal.

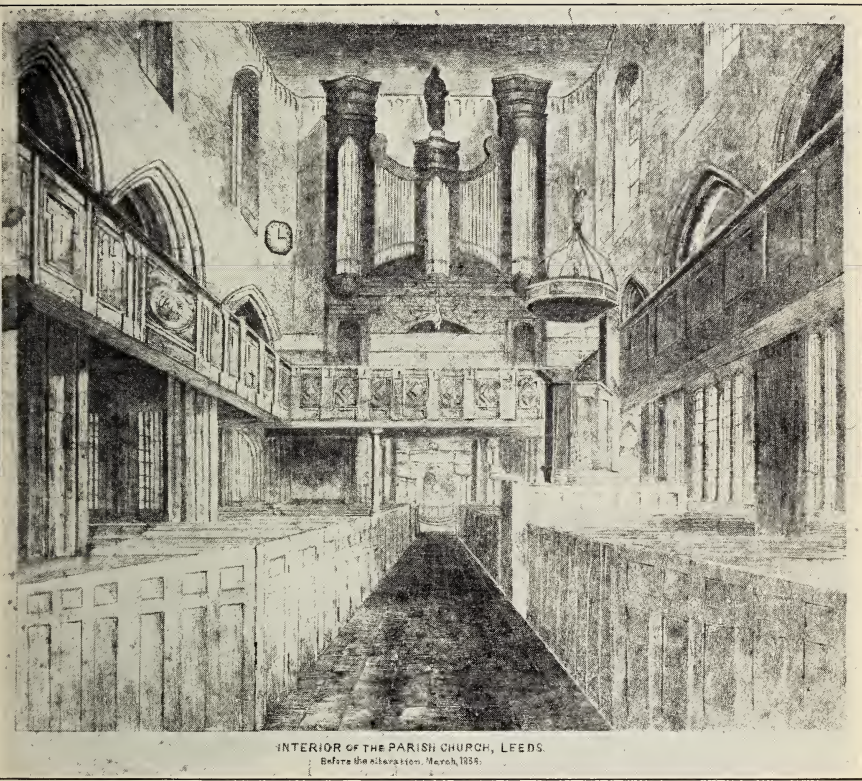
In February, 1796, a concert was given by Mr. Meredith, the programme being similar to preceding ones with the exception of the "Music in Macbeth" in Part I, and the "Music in the Tempest" in Part II.

The subscription concerts that were given during the winter, 1795-6, also had no great difference from previous performances until the fifth and last of the series, when, instead of the usual solo vocalists, choral singing was introduced, and the following items given: Handel's "Acis and Galatea" formed the first part, and the second consisted of an Overture by Handel, "The Nightingale Chorus," and other selections from *Solomon*, and the concert concluded with Handel's great coronation anthem, "Zadock the Priest." This departure from the ordinary music given at the subscription concerts gave unbounded satisfaction, and the *Intelligencer* became quite enthusiastic about the "pleasing Serenata" of "Acis and Galatea" and the choral singing of the selections from *Solomon*. The coronation anthem which "closed the evening's entertainment excited repeated plaudits from the enraptured hearers." The *Intelligencer* sincerely hoped that the managers would be able by increased subscriptions to "continue the liberal mode of such pleasing (tho' expensive) variety for surely every person must be desirous of promoting an amusement so truly rational and so highly entertaining."

During July, 1796, theatrical performances were exceedingly popular in Leeds, Mrs. Siddons taking part in them.

About this time there is the announcement of the death, in her 74th year, of Mrs. Carr, a maiden lady and daughter of the late Mr. Carr, formerly organist of the Parish Church.

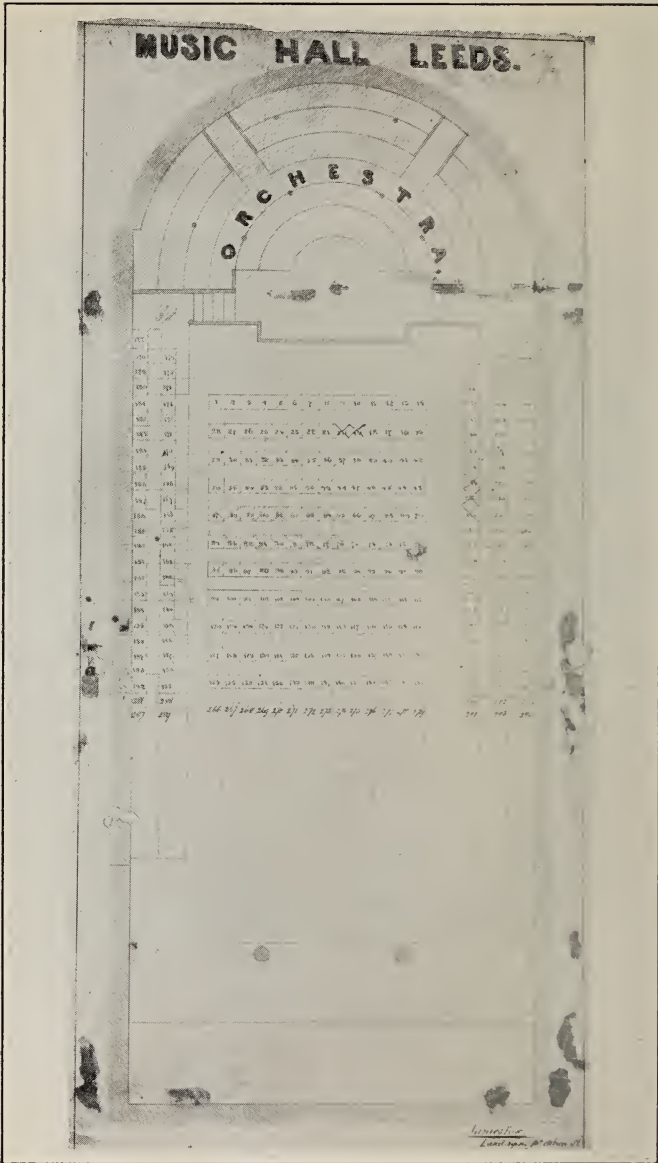
On the evenings of August 5th and 6th there were two "Grand Miscellaneous Concerts" at the Music Hall, and the names of some



INTERIOR OF THE PARISH CHURCH, LEEDS.
Before the Alteration, March, 1854.

Thoresby Society.

Photo : Alf. Mattison.



Thoresby Society.

Photo : Alf. Mattison.

GROUND PLAN OF HALL.

Music-Hall, Leeds.

First Subscription Concert,

THURSDAY Evening, October 19th, 1797.

Part First.

GRAND OVERTURE—HAYDN.
SONG—Mr. MEREDITH.
CONCERTO—AVISON.
SON—Mr. MEREDITH.
SYMPHONY—PLEYEL.

Part Second.

CONCERTO (OBOE)—Mr. ERSKINE
SONG—Mr. MEREDITH.
SYMPHONY—PICHLER.
CONCERTANTE—PLEYEL.
FINALE.

Song.

Mr. Meredith.

Hark! the Trumpet sounds to Battle;
Hark! the thundering Cannons rattle.
'Tis cruel Ambition now calls me away,
While I have Ten Thousand kind soft Things to lay.

While Honor alarms me, young Cupid disarms me,
And Celia to charms me I cannot away.

Hark again! Honor calls me to Arms,
Hark to the Trumpet, how sweetly it charms;
Celia no more now must be obeyed,
Cannons are roaring, and Ensigns displayed.

Song.

Mr. Meredith.

ORACE—from the PIRATES.

These the silver'd Waters roam,
And wanton o'er th' unsteady Sand;
Spangling with their Starry Foam,
The tow'ring Clit that guards the Land.

There the screaming Sea Bird flits,
Daps in the Wave his dusky Form;
Or on a rocky Turret fits
Th' exulting Demon of the Storm.

There as Village Legends tell
Many a ship-wreck'd Seaman's Ghost,
Rens to the distant Knell,
When Midnight glooms the fatal Coast.

Song—Mr. Meredith.

RULE BRITANNIA,

With an additional Verse, composed by the DUKE
of LEEDS, and sung on Monday Evening last, at
Drury-Lane.

When Britain first at Heaven's Command,
Arose from out the azure Main;
This was the Charter, the Charter of the Land,
And Guardian Angels sung this Strain.

Rule Britannia, Britannia rules the Waves,
Britons never will be Slaves,

Rule Britannia, &c.

The Nations not so blest as thee,
Must in their Turns to Tyrants fall;
While thou shalt flourish great and free,
The Dread and Envy of them all.

Rule Britannia, &c.

Still more majestic shalt thou rise,
More dreadful from each Foreign Stroke
As the loud Blast that tears the Skies,
Serves but to root thy native Oak.

Rule Britannia, &c.

Thee haughty Tyrants ne'er shall tame,
All their Attempts to bend thee down;
Will but arouse thy generous Flame,
To work their Woe and thy Renown.

Rule Britannia, &c.

To Thee belong the rural Reign,
Thy Cities shall with Commerce shine;
All thine shall be the subject Main,
And every Shore it Circles thine.

Rule Britannia, &c.

The Muses, still with Freedom found,
Shall to thy happy Coasts repair;
Blest Isle! with matchless Beauty crown'd,
And many Hearts to guard the Fair.

Rule Britannia, &c.

While France remembers still the Name of *Honor*,
And Spanish Triumphs grace *St. Vincent's* Brow;
Fresh Glories deck another Victor's Name,
And *Duncan's* Lustre adds to British Fame.
Rule Britannia, &c.

After the CONCERT a BALL.

To begin at Seven o'Clock.

Mr. LAWTON respectfully informs his Friends, that his
CONCERT will be on Thursday the Ninth of November.

Photo: Alf. Mattison.

PROGRAMME.

Kindly lent by L. Whinkup.

of the performers were new to the town: Mr. Lindley, who played the violoncello, and Mr. Boyce, the double bass. Mr. Cramer (violin) had been leader of the band at the great Handel Festival of 1791. Mr. and Mrs. Harrison, vocalists, had not appeared previously in Leeds.

Mr. Harrison sang "Sweet Bird," accompanied on the violin by Mr. Cramer. The real title of this song was "The Captive to his Bird," a favourite song, "sung with universal applause by Mr. Inledon in his Entertainment of Variety." It was composed by Mazzinghi. Mrs. Harrison sang "Gentle Airs," with violoncello accompaniment by Mr. Lindley.

For the winter of 1796-7 Subscription Concerts were again arranged. The first four differed but slightly from previous ones, and the performers were Mrs. Shepley and Messrs. Meredith, Lawton, and Erskine. Before the fifth took place Mr. Meredith had a Benefit Concert under the patronage of Colonel Lloyd and the Officers of the Volunteer Corps of Cavalry and Infantry. The programme contained the usual selections of overtures and symphonies interspersed with songs, but concluded loyally with "God save the King"—verse and chorus.

The fifth and last Subscription Concert was given on April 6th, and the promoters, remembering the great success of the choral singing of the previous year, and the enthusiasm always evoked by Handel, arranged a programme entirely of his works, with one exception, a composition by Calcott.

Part I. Overture (Esther), Chorus "Oh, first created Beam" (Samson), Recit. "He measured the waters," Air "He layeth the Beams" (Redemption) Mr. Meredith, Chorus "How excellent is Thy name" (Saul), Recit. "Now Heaven in all her glory," Air "Lord, what is man" (Redemption) Mrs. Shepley, Chorus "He gave them Hailstones" (Israel in Egypt), Duet "Celestial Virgin, God-like youth" (Joseph) Mrs. and Miss Shepley, Recit. and Air "In Winter awful thou" (Calcott) Mr. Meredith, Chorus "Hallelujah" (Messiah).

Part II. Introduction and Chorus "Ye sons of Israel" (Joshua), Recit. "Oh worse than Death," Air "Angels ever bright and fair" (Theodora) Mrs. Shepley, Chorus "Oh, Father whose Almighty Power," Recit. "I feel the Deity," Air "Arm, Arm ye brave," Chorus "We come, we come," Trio "Disdainful of Danger," Duet "Oh, lovely Peace" (Judas Maccabæus), Oboe Concerto Mr. Erskine, Air and Chorus "Sing ye to the Lord," "The Lord shall reign" (Israel in Egypt).

This being the last concert of the series the ladies and gentlemen who possessed subscriber's tickets were asked to deliver them at the door of the Music Hall.

In May Mr. Porter promoted a concert in the Music Hall, Mrs. Shepley and Mr. Meredith being the vocalists.

In October a subscription was opened for five concerts to be given during the winter of 1797-8. The terms to be the same as on former occasions, but there was a note added stating "that no Gentleman who does not subscribe, residing in the township of Leeds can be admitted except the Family of a subscriber of one guinea, paying 3/6 each."

This series of concerts is mentioned as "Commencing with great éclat." The news had arrived of the glorious victory of Camperdown when Admiral Duncan defeated the Dutch fleet, capturing eleven of their ships and taking their admiral prisoner. During the evening Mr. Meredith, "in his usual excellent manner sang 'Rule, Britannia' and added thereto the following verse, written by the Duke of Leeds¹ on occasion of Admiral Duncan's victory."

"While France remembers still the name of Howe,
And Spanish trophies grace St. Vincent's brow,
Fresh glories deck another victor's name,
And Duncan's lustre adds to British fame."

This was most enthusiastically received, the whole company joining in the chorus and "seemed to experience every sensation such a well written couplet could occasion."

The four succeeding subscription concerts differed little from those of preceding years.

Mr. Lawton had a benefit concert on November 11th, and on February 22nd, 1798, Mr. Meredith also had one, this being under the patronage of the Officers of the Leeds Cavalry and Infantry, when, in addition to Mr. Meredith and Mrs. Shepley, Miss D. Meredith appeared as a vocalist.

The subscription concerts do not appear to have been held during the winter of 1798-9, but the "Managers" gave a miscellaneous concert in the Music Hall on December 13th, and Messrs. Porter and Lawton each promoted a concert on January 10th and April 4th, 1799, respectively. The winter was an exceptionally severe one, and great distress and scarcity of food prevailed in Leeds.

This continued in the succeeding year, when a sum of upwards of £2,000 was subscribed for the necessitous poor in Leeds.

¹ Francis Godolphin, 5th Duke of Leeds, 1751-1799.

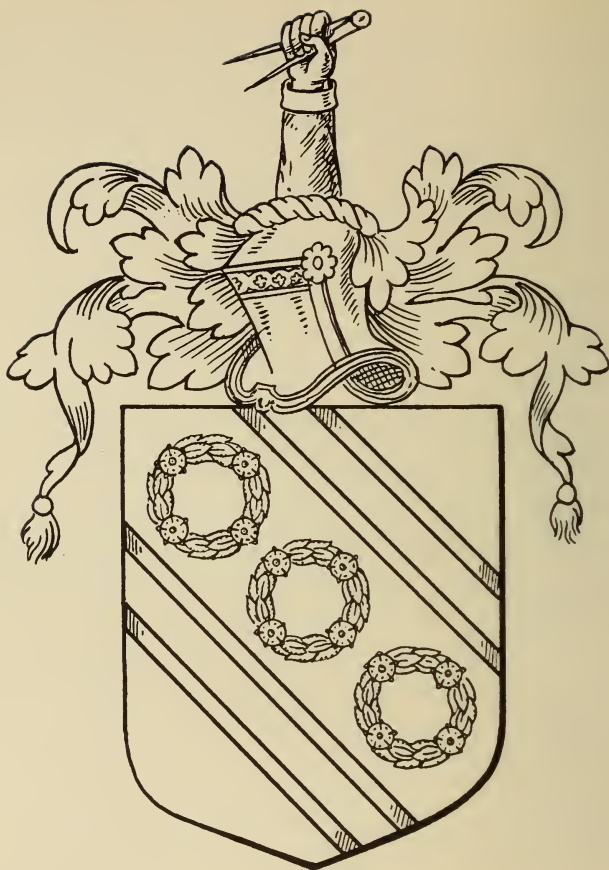
One concert only during the winter was given by the managers of the Music Hall, this being on Thursday, April 24th, 1800, when a Mrs. Hindmarsh, from the Hanover Square Concerts, sang two Italian songs, the other items being of the usual description performed at these concerts.

Thus ends the history of Leeds music during the eighteenth century, and it will be acknowledged that the record for the last five decades was an exceedingly fine one.

Leeds owes an immense debt of gratitude to those painstaking old-time musicians, Messrs. Crompton, Lawton, and others, for they unquestionably did a great service in introducing music of a high degree of excellence.

The writer is indebted to the officials of the *Yorkshire Post* and the Librarian of the Leeds Philosophical and Literary Society for kindly allowing their files of newspapers to be consulted.

The books of reference used have been *Ducatus Leodiensis*, R. Thoresby; *Loidis in Elmet*, Dr. Whitaker; *The Diary of Ralph Thoresby*, Joseph Hunter; *Dictionary of Music*, Sir George Groves; and the *Dictionary of National Biography*.



*The Armorial Bearings of Christopher Saxton,
of Dunningley in the County of York, Gentleman,
Granted by William Flower, Norroy, 1 July 1574,
as recorded at the College of Arms.*

*Arthur Cochrane
Norroy
King of Arms
Registrar*

*January 7th
1927.*

Christopher Saxton, of Dunningley.

HIS LIFE AND WORK.

BY SIR GEORGE FORDHAM.

Christopher Saxton, the first English cartographer, must be distinguished from others of the same names by the local appellation which appears in the grant of arms of 1579, and to which he gives prominence in depositions now in the Public Record Office, dated, respectively, in 1596 and 1606.

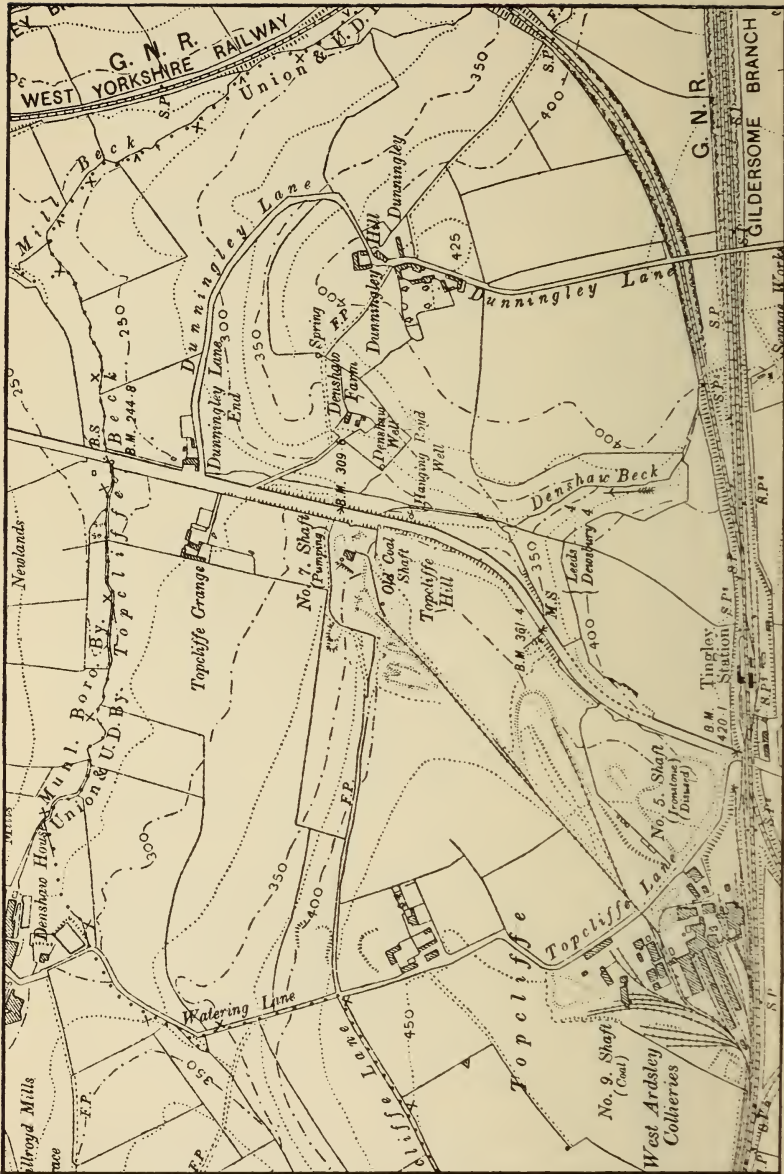
Two records of burials of persons of these names occur in the registers of the Parish Church of Leeds, relating to Christopher Saxton, of Bramley (20 June, 1575), and Christopher Saxton, of Farnley (31 October, 1587). To each of these there have been added, at much later dates than those of the original entries, statements that the particular Christopher Saxton named was the celebrated cartographer. No credit can, it seems certain, be given to either of these notes, seeing that the cartographer was alive long after either 1575, or 1587, indeed at least as late as 1608 and, no doubt, in 1610, as will be seen on reference to the will of his brother Thomas hereinafter transcribed. A casual examination of the Leeds register shows a frequent occurrence of the name Saxton, and the christian name Christopher must also have been fairly common in the sixteenth century in this neighbourhood.

I thus dismiss entirely, as in any way connected with Christopher Saxton, the cartographer, the two Leeds entries of burials under his names.

Dunningley was, in the sixteenth century, and still is, a hamlet of the parish of West Ardsley, or Woodchurch, lying between Leeds and Wakefield, and the little group of houses of which it now consists is prominent on the crown of a hill, and can be seen from the railway between Ardsley and Beeston stations at a short distance on the western side of the line.

In documents of the Elizabethan period this name is written Dunninglawe or Dunynglawe.

Although as a place Dunningley is quite insignificant, it appears on Saxton's map of Yorkshire (1577), and, what is more remarkable, on the general map of England and Wales published by Saxton about 1584.



John Whitehead & Son Ltd., Alfred Street, Leeds.

DUNNINGLEY AND THE SURROUNDING DISTRICT.
 Reproduced from the Ordnance Survey Map on the scale of six inches to the mile.

The Thoresby Society.

We have no reliable information as to the birthplace of Christopher Saxton. In Thomas Tanner's *Bibliotheca Britannico-Hibernica* (London, 1748) is printed the following fragment, apparently, of a Latin epitaph, in which he is described as having been born at Wakefield: "Christophorus Saxton in Wakefield, comit. Eborum natus, geometriae peritissimus, literis ab Elizabetha regina receptis, dat. 28 Julii. anno regni 15, [1572-73] universam Angliam, novem annis continuis, summo labore et industria oppidatim et vicatim peragravit, eamque integram, nec non in comitatus divisim, curiosissime descripsit, tabulis aeneis insculpi curavit; denique ad perpetuam rei memoriam, nominis sui laudem, et rei publ. Anglicanae emolumentum edidit et divulgavit anno salutis humanae MDLXXV." The reference for this fragment is "apud A. Wood, Ms. lxxviii, 203," but, although due search has been made, this reference cannot be traced, and, for the present, at all events, it can hardly be accepted as a matter of reliable record.

The date of his birth can be gathered, approximately, from the two depositions already referred to, but, unfortunately, although in both cases their accuracy is qualified by the words "or thereabouts" the two statements of his age made by Saxton himself, at an interval of ten years, differ in their computation by two years (actually about two years and five months), and would carry back the year of birth to either 1542 or 1544. There is, however, some little doubt as to the date of the deposition attributed to 18 September, 1596, which extends, therefore, to the derivative date in 1542. Otherwise, there is no ground for choice between 1542 and 1544 for the year of Saxton's birth.

The date of his death is unknown. The Latin epitaph already referred to gives no clue in the matter. The church of West Ardsley has been rebuilt, and there are now no early monuments, tombstones, or other records of this parish in existence. The registers of the period in question have disappeared, and they are only now represented in the Archbishop's Transcripts of the Parish in the Diocesan Registry at York, for a very broken series of years during the period in which a burial might have been recorded.

The following are the years in the Transcripts which have been examined: 1599, 1600, 1603, 1605, 1608, 1609, 1623, 1633, 1635, 1637, 1638, and 1639. [Appendix I (V).] In these years no entry of the burial of Christopher Saxton occurs. We have, however, a number of dates for which evidence of his existence, or activity, are recorded later than the publication of the results of his great work of national cartography.

In 1593 he is noted as a trustee of the Alms House of West Ardsley, and in 1596 we find, from entries in Dr. Dee's Diary,¹ now in the Bodleian Library, that Saxton was at Manchester. These entries have been already published, and I only reprint them here to complete my story: "1596. June 21st. Mr. Christopher Saxton cam to me. July 5th. M^r Savill & M^r Saxton cam. July 6th. I, M^r Saxton & Arthur Rouland, John & Richard, to Hough Hall. July 9th. I sent Roger Kay of Manchester with my letters into Wales. July 10th. Manchester town described & measured by M^r Christopher Saxton. July 14th, M^r Saxton rode away."

In the same year, in all probability, he was a witness in proceedings relating to a common called Haxey Carr, the question being whether it lay in the County of Lincoln, or in that of Nottingham. Then, in 1599, he made a plan of the course of the Ludingden Brook, which is signed: "Made by Christopher Saxton. Anno Dni 1599." In 1600 he made a plan of the neighbourhood of Dewsbury, probably relating to water rights; in 1602 a survey of the Lordship of Burley [Appendix II (VIII)], and in 1606 another plan is signed by him.

This is the last year in which he appears as a surveyor, but in 1608 he is a legatee under the will of his brother Thomas, and this brother dying in 1610, when his will of 1608 was proved, it is fairly certain that Christopher was then still alive (20 June, 1610). He would at this time have achieved the age of 66, or 68 years, "or thereabouts," according as his year of birth is taken to be 1544 or 1542.

It will be seen, on referring to the list of years for which transcripts of the West Ardsley registers still exist, that, after the years 1608 and 1609 (in which his burial is not recorded), there is a gap in the registers extending to 1622, and that there is no entry of a Saxton burial in 1623, nor in the later years 1633 and 1635-1639, a period to which it is most unlikely he would have survived.

That the members of the Saxton family were habitually interred in West Ardsley is shown by the directions given to that effect in the wills of Thomas Saxton (1608) and Robert Saxton (1626).

Three records only relating to the Saxtons of Dunningley are found in the registers extant, namely: (i) 1608, November 6th, the baptism of William, son of Robert Saxton, and thus nephew of the cartographer; (ii) 1623, January 2nd, the marriage of Christopher,

¹ Dr. John Dee had a patent for the grant of the wardenship of Manchester College dated 25th May, 1595. He went to Manchester the 14th February, 1595-6, and was installed on the 20th. He left Manchester in 1604.

the second son of the cartographer, to Prudence Hartly, and (iii) in the same year, November 13th, the marriage of Thomas, the third son, to Mary Thomsonn.

These records will be dealt with later in what it is possible to build up in the way of a family pedigree.

The Lay Subsidies for the Parish of West Ardsley and some neighbouring parishes for the period 1547-1642 have been examined for records of the Saxton family, and what little results from this examination will be found transcribed in Appendix I (VI).

There seem no other sources of information available for determining the date of death of the elder Christopher, and this question must be left unsolved; but there is a pencil note in a copy of the Saxton atlas now in the Bodleian Library which rather suggests that he might have died before 1616, though it is quite inconsistent with other facts now discovered as to the existence at that time, and later also, of descendants of Christopher Saxton at Dunningley. I transcribe it, for what it is worth: "A Christ^r Saxton, of Dunningley, Gent, was a Trustee of the Alms House of West Ardsley A.D. 1593. He had a son Rob^t living at Dunningley 1616, after which there are no traces of the name in these parts."

It has been stated (but I am not aware of any definite authority for the statement), that Saxton was engaged on the survey of England and Wales during nine years. This is a probable period for such a work; indeed, one may well think it short enough for the prosecution over so large an area of operations entirely new, and, in view of the non-existence at that period of any scientific basis of survey, of great practical difficulty.

The publication of the complete series of County Maps, in atlas form, being of the year 1579, Saxton's work of survey must be assumed to have commenced about 1570, at which time he would, according to his own statement, have been 26 or 28 years of age only. Although one would expect to find record of formal authority for the commencement of the survey at this date, nothing of this kind exists earlier than a "Placart" dated five years later (11 March, 1575), in which Saxton is described as "being appointed thereto by her Majesty's bill under her Signet," unless we are to notice a reference to "Letters" of 28 July, 1573, in the Latin epitaph already cited.

His first County Maps, those of Norfolk, and of Oxfordshire, Berks. and Bucks. in one sheet, had appeared in 1574.

In the preceding year is dated a grant (March 11) from the Crown

of the Manor of Grigston, in Suffolk, the grant being made "for certain good causes grand charges & expenses lately had and sustained in the survey of divers parts of England." The manor and all its appurtenances was to be held by Christopher Saxton his executors and assigns from Michaelmas last past for the term of 21 years, at a rental of £10 5^s 11^d. [Appendix II (I).]

This and other grants which followed appear to indicate the method of Saxton's personal remuneration, there being no record of any actual money payments made to him; it being generally understood that his current expenses and remuneration were provided for by his patron, Thomas Seckford.

This is made clear by the recital in the licence to Saxton to print and publish his maps issued in 1577 [Appendix II (V)]: "Whereas Christofer Saxton servaunte to oure trustie and welbeloved Thomas Sekeford Esquier Master of Requestes unto us hathe already (at the greate coste expenses and charges of his said master)," and is, no doubt, referred to in William Harrison's "Description of Britaine," printed in the first edition (1577) of Holinghed's "Chronicles," in which the writer, after setting out an incomplete list and particulars of the counties, says: "And these I had of a friende of myne, by whose traveyle and hys maisters excessive charges I doubt not, but my country men eare long shall see all Englande set foorth in severall shyres after the maner that Ortelius hath dealt wyth other countries of the mayne, to the great benefite of our nation and everlasting fame of the aforesayde parties."

In 1575 appeared the following county maps: Kent, Sussex, Surrey, and Middlesex, in one map; Hampshire, Dorset, Somerset, Devon, and Suffolk; in 1576, Wilts., Cornwall, Essex, Northants, Warwick and Leicestershire together, Lincolnshire and Notts., Durham, Westmorland and Cumberland. Northumberland (which is the only map of the series undated) is probably of this year. In 1577 the survey of the English Counties is completed, and that of the Welsh Counties begins, following the issue of the "open letter" of the 10th July, 1576, "to all Justices of peace, mayors & others etc., within the severall Shieres of Wales," the English shires being Herts., Gloucestershire, Staffordshire, Worcestershire, Shropshire, Herefordshire, Derbyshire, Cheshire, Yorkshire, Lancashire and Monmouthshire, and those of Wales, Denbighshire and Flint (in one sheet). The year 1578 is devoted to the remaining Welsh counties, in five sheets: Glamorganshire, Radnorshire and Brecknockshire, with Cardigan and Carmarthen shires (on one sheet),

Pembrokeshire, Montgomery and Merioneth shires, Anglesea and Carnarvon shires.

These maps are catalogued and sufficiently described in a recent publication: "The Printed Maps in the Atlases of Great Britain and Ireland, 1579-1870" (London, 1927. 4^o), to which reference can be made. Their reimpressions will be more conveniently dealt with later.

In the year in which his maps began to make their appearance (on January 19, 1574-5), another grant was made to Saxton by the Crown in consideration of his services "in and about the survey and description of all and singular the counties of England." This was of "the office of bailiff, collector and receiver of all the rents and profits of all the manors, messuages, lands etc., of us our heirs and successors in the city of London and in the county of Middlesex late belonging to the Priory or Hospital of S^t John of Jerusalem in England." It was a gift of a reversion in succession to an existing holder of the office, and, upon the falling in of the reversion, was given to Saxton for life, with the wages and fee of £10 per annum, besides all profits, advantages, etc., belonging to the said office. [Appendix II (II).]

It was during the publication of his maps that authorities for carrying on his surveys—no doubt in continuance of earlier such warrants—were issued. The first of these recorded is the "Placart" already referred to, which is found in the Register of the proceedings of the Privy Council of the 11th March, 1575 [Appendix II (III)], and the only other such document known is in the same Register, under date the 10th July, 1576, at which time Saxton seems to have been about to commence his survey of the Principality of Wales to which it refers. This "Open Letter" has also been already referred to. It is much more explicit than the "Placart" of the preceding year, and directs "that the said Justices shalbe aiding and assisting unto him to see him conducted unto any towre Castle highe place or hill to view that countrey and that he may be accompanied wth ij or iij honest men such as do best know the cuntrey for the better accomplishment of that service and that at his deptime from any towne or place that he hath taken the view of the said towne do set forth a horseman that can speke both Welche and englishe to safe conduct him to the next market Towne, etc." [Appendix II (IV).]

This text is particularly interesting as giving some slight indication of the methods pursued in the surveys of this early period.

It was as this great work of survey, delineation, engraving and

publication drew to a close that Saxton obtained the licence, which is found in the Patent Roll of the 19th year of the reign of Elizabeth (dated from Gorhambury the 22nd July, 1577), for the exclusive publication of his maps during a period of ten years, already mentioned.

It recites that " Christofer Saxton hathe already traveyled throughe the greateste parte of this oure Realme of Englande and hathe to the greate pleasure and cōmoditie of us and our lovinge subjectes uppon the p̄fecte viewe of a greate nomber of the severall counties and Sheires of oure said Realme drawn oute and sett fourthe diverse trewe and pleasaunte mappes charts or platts of the same counties Together withe the Cities Townes Villages and Ryvers therein conteyned vearie diligentlye and exactly donne and extendithe [intendithe] yf god graunte hym lief further to travell therein throughe out all the residue of our said Realme And so from tyme to tyme to cause the same platts and discriptions to be well and fayre Ingraven in plates of copper and to be after Impressed and stamped out of the same aswell to the cōmoditie of our subjectes as to all other that shall have pleasure to see and puse the same " and continues, to set out the privilege accorded very fully, with the penalties for infraction.

This grant foreshadowed the appearance in 1579—a year thus memorable in the history of British Cartography—of the complete collection in atlas form, consisting of the thirty-four county maps, as they have been already enumerated, with a title-page finely engraved—of which the central figure represents Queen Elizabeth enthroned in state—followed by (1) a coloured index of the maps arranged alphabetically and also in series, with a list of the circuits of the judges; (2) eighty-three coats of arms of the nobility, and one blank shield, with also a catalogue of cities, bishoprics, market towns, castles, parishes, churches, rivers, bridges, chases, forests and parks, in each county of England and Wales, and (3) a general map of the country entitled " Anglia," and dated 1579. It should be noted that this general map has two " states," the second distinguished by the writing-in of figures of latitude and longitude in the margin which are not found in the earlier issue, thus bringing this map into line with the large general map which appeared a few years later.

This atlas is now rare, and the few copies which come into the market sell at high prices. It is curious to note its current price in 1736, as recorded by John Worrall, in his *Bibliotheca Topographica*

Anglicana, which was published in that year, namely, 15/- . In a manuscript note in the copy of this catalogue in the British Museum, this figure is corrected to 20/- .

The year 1579 is also distinguished, as far as Saxton is personally concerned, by the grant to him of armorial bearings, with a crest of a hand and arm holding a pair of compasses partly open. [Frontispiece and Appendix I (I).] The record of this grant, with a sketch of the arms and crest, is found in the Wood Manuscripts in the Bodleian Library, at Oxford, and the present Norroy, King of Arms of the Northern Province, has been good enough to have these arms redrawn and certified, and they are now recorded in the College of Arms, as they appear in the frontispiece illustration to this paper.

In the year 1580, on July 1st, Saxton had a further grant from the Crown, being that of a piece of land in the parish of St. Sepulchre without Newgate, for 60 years, at a rental of 3s. 4d., and with permission to build one or more houses, which may have been the foundation for a remunerative building speculation. [Appendix II (VI).]

At this time he must have been working on his large general map of England and Wales, of which the publication may be put at about 1584, and which has only recently been recognized as connected with his survey. It is an exceedingly important contribution to British Cartography, and it is remarkable that such a map should have so completely disappeared. No original impression is now known, and the existence of such a map at all can only be deduced from impressions from the plates of the sixteenth century, very much cut about and amended by Philip Lea, who published his version as a virtually new map, at the end of the century following.

Only four copies of this map, which Lea disguised under the new title of "The Travellers Guide being the best Mapp of the Kingdom of England & Principality [*sic*] of Wales," are known to exist, those namely in the British Museum, the Bodleian Library, the Library of the Royal Geographical Society, and in my own collection. The date is fixed by Lea's entry found in the Term Catalogues, 1687, Trin. (June): "The Traveller's Guide; being the best Map of *England*; wherein are four thousand names more than in any Map yet extant; besides the direct and cross Roads, with the reputed distances between Town and Town according to M^r *Ogilby's* Survey. Described by *C. Sexton* [*sic*], Carefully perused and corrected by *Philip Lea*. Both made and Sold by *P. Lea* at the Atlas and *Hercules* in *Cheapside*."

By great good fortune there has been preserved in the British

Museum an impression from Saxton's plates, which was evidently taken by Lea in the course of the transformations he was effecting, to remove, as far as possible, the sixteenth-century features of the map. From this impression, all the original details, except that of Saxton's title which filled the right-hand top corner, and would, presumably, disclose the original date of the map, can be reconstructed.

Lea scraped out the whole of this title and replaced it with an elaborate decorative title of his own. He also obliterated the coat of arms of Seckford, and substituted for it that of Peter Mews, Bishop of Winchester from 1684 to 1706, to whom he dedicated his map, and also the particulars relating to the longitude in the left-hand bottom corner, substituting for them a clumsy design signed by Sutton Nichols. At the same time he erased, though in most cases imperfectly, the Elizabethan ships with which Saxton had decorated his sea, and engraved, in their places, ships of the end of the seventeenth century, and, finally, he drew upon the land surface a whole network of main and cross roads, after John Ogilby's *Britannia* of 1675. There are minor alterations throughout and the addition of towns, etc., and the Isle of Man is redrawn in a shape differing altogether from that adopted by Saxton.

This Lea version of the Saxton plates was continuously reprinted for more than half-a-century, the copy in my collection bearing the imprint of T. Bowles and John Bowles & Son, which carries us on to about the middle of the eighteenth century. It was even advertised as late as 1763 by Robert Sayer.

The dimensions of the map, when the twenty sheets are assembled, are about $5\frac{1}{2}$ feet in width by $4\frac{1}{2}$ feet in height, and the scale, as compared with modern measurements, appears to be one of between $7\frac{1}{2}$ and 8 miles to the inch.

Its importance is shown by what I may call a derivative, the so-called "Quarter-Master's Map," which was engraved by Hollar, for the publisher, Thomas Jenner, in 1644, for the use of the belligerent armies in the struggle between Charles I and the Parliament then being developed. On a comparison, it appears that Hollar's large map, reduced as closely as possible to the land-surface only, and arranged in six sheets to fold compactly for the pocket, is an exact copy of the original Saxton map, then no less than sixty years old! The fact was that there was no other cartographical foundation whatever available for drawing a general map of the country on an adequate scale such as was required in this emergency of war.

There are thus no roads on Hollar's map, and the Isle of Man is drawn following Saxton's original design.

Other issues of this map exist, which cover a long period of time. The first is by Jenner himself, in 1671, with the main lines of roads inserted. Then John Garrett, who seemed to have succeeded to Jenner's business, re-issued the map, with the addition of a few principal and a mass of cross roads, and enters it in Michaelmas Term, 1688, and this version reappears as late as 1752, published then by John Rocque, a well-known cartographical publisher of that period. It will be gathered from these facts how completely Christopher Saxton's general map of England and Wales dominated English Cartography from its appearance in about 1584 until beyond the middle of the eighteenth century—a period of about 180 years. Indeed it may be doubted whether it was really effectively displaced until the appearance of John Cary's large and detailed "New Map of England and Wales, with part of Scotland," in 81 sheets, on a scale of 5 miles to the inch, which was published in 1794.

The war period which produced the "Quarter-Master's Map" may also have justified the republication of Saxton's County Atlas, which was undertaken in 1645 by William Web. Its new title was: "The Maps of all the Shires in England and Wales. Exactly taken & truly described by Christopher Saxton. And graven at the charges of a private gentleman for the publicke good. Now newly revised, amended, & reprinted. Printed for William Web at the Globe in Cornehill, 1645."

The maps themselves seem to have had little alteration. In fact some of them show no change at all except in the dates, the Royal Arms, and the substitution of "C.R." for "E.R." above them, which, however, is not constant. All the maps are redated 1642, except only that of Oxfordshire, Bucks. and Berks., which is now 1634, possibly in error. The map of Yorkshire (in two sheets) is much altered in the marginal ornamentation, as follows: In the bottom left-hand corner of sheet one the Arms of Thomas Seckford have been replaced with a plan of "The Citie of Yorke;" in the top right-hand corner of sheet two a view of "The Towne of Hull" takes the place of the *cartouche* and title, and two ships and a sea monster have been added below the view of Hull.

Philip Lea reprinted many of the maps in Web's edition of Saxton's atlas in an atlas of which the title runs: "The Shires of England and Wales described by Christopher Saxton. Being the Best & Original Mapps. With many Additions & Corrections viz:

y^e Hund^{ds} Roads, Etc. by Philip Lea. Also the New Surveys of Ogilby, Seller, Etc. Sold by Philip Lea at the Atlas & Hercules in Cheapside near Friday street & at his Shop in Westminster Hall near the Court of Common Pleas where you may have all sorts of Globes Mapps E^{ct}." This volume is undated, but the map of Wiltshire is redated as late as 1689, and the Royal initials "W.R.," for William III, on the title-page of the atlas, seem to indicate a date later than the death of Queen Mary (28 December, 1694). In these circumstances one is not surprised to find Lea's entry in the Term Catalogues of Trinity Term (June), 1699—the date to which this publication may now be definitely assigned.

The title of the map of Yorkshire is in Lea's version: "Yorkshire Described by Ch. Saxton, many additions and Corrections as y^e roads Wapentakes Etc. by P. Lea." The plan of York is removed from the bottom left-hand corner and its place taken by the title. The plan of Hull and the scale are erased, and a new vertical scale is added on the left-hand side. Coats of Arms are added: "Otho D. of Sax. and E. of Y., Drago de Buerer, Step. de Blois E., Maundeville E., Bald. de Beton E., Will. de Fortibus, Ed. E. of Rutland; Conyers de Arcy E. Hold., Prince Rupert E. of Ho., Ja. 2 son to C. ye D., Ch. 2 son to Jam. I, Hen. 2 son to Hen. 7 D., Rich. 2 s. to Ed. 4. D., Edm. Lang. 5 son Ed. 3. D."

An even later use appears to have been made of some of Saxton's plates as altered by Lea, namely about 1720, in an atlas "Sold by G. Willdey at the Great Toy Shop next the Dog Tavern in Ludgate Street," but little is known of this publication.

Peter Keer engraved, in 1599, a set of small maps reduced from those of Saxton, and they are found published in 1617 to illustrate an epitome of Camden's *Britannia* printed in Amsterdam. These plates were further used in a little book "England Wales Scotland & Ireland Described & Abridged," in which the titles of the maps are altered from Latin to English. The first issue of this work is ascribed to 1620. There are reprints of various dates up to 1676.

It is further to be remarked, to the credit of Saxton's ability and success in his great work of national survey, that of the maps engraved by Hole and Kip to illustrate Camden's folio *Britannia* of 1607 (translated into English by Philemon Holland in editions of 1610 and 1637), forty are stated to be from Saxton's designs, and there is no doubt that John Speed drew largely upon Saxton for the county maps in his "Theatre of the Empire of Great Britaine," of which the editions run from 1611 to 1676.

The completion of his map of England and Wales, and probably also the death of his patron Seckford a little later (in January, 1587-8) must have left Saxton without public employment, or patronage, and thereafter he is only known by a series of private surveys and maps, which have a range in time, as far as they are known, from 1596 to 1606.

The plan of Manchester made for Dr. Dee in 1596 has already been mentioned. Unfortunately it has completely disappeared, and exhaustive search, more than once repeated, in every possible repository, has failed to establish any trace of its existence. It must, therefore, be given up as lost or destroyed.

In the same year, as has also been already referred to, Saxton was a witness in proceedings before a special Commission from the Court of Exchequer appointed to try a question arising between Her Majesty's tenants of the Crown of Haxey and Owston within the Isle of Axholme and Her Majesty's tenants of Misterton in the Duchy of Lancaster, in which it was ordered that a joint plot, or several plots, be taken and made perfectly by scale and measure. In these proceedings Richard Heley, of Crosby, and Christopher Saxton made depositions and exhibited and certified plans. One of these plans, much torn in the upper part, and without title, signature, or date, is annexed to the depositions, now in the Public Record Office. It is reproduced, in an exact copy, in "The Rivers of Axholme, with a History of the Navigable Rivers & Canals of the District," by George Dunston, London, no date [1909], but whether it is to be attributed to Hely or to Saxton no one can now say.

A second plan, of much the same character, and of the year 1599, is in the Record Office, and can be identified as the work of Saxton. It is entitled: "A plat of the course of Ludingdē brooke wth the milne goites taken furth of the same from Luddingden Chappell to Luddingden foote, wherein the Confines of Midgeley is colored with yelowē, and the confines of Wareley is colored wth red, made by Christopher Saxton. Anno Dñi 1599." The plan measures 270 mm. × 475 mm., and is on a scale of 16 perches = 1 inch. The details shown in colour are the rivers and watercourses, some roads and boundaries, houses and other buildings, with names of places, property, and owners.

Saxton drew also a plan of Dewsbury and the course of the river Calder above the town, dated in 1600, which is now in the Dewsbury Free Library. A reproduction of about one-half size will be found in "The Yorkshire Archaeological Journal" (Vol. 21, pl. 4, 1911).

The original should measure about 407 mm. × 553 mm. It has for title: "A platt of the Towne of Dewesbury with the course of the River & waies from Maister Birkbye mill, to the ouer; and nether myllnes, of Dewesburie. Made by Christopher Saxton. Anno Domini, 1600." The details, colouring, and scale are those of the plans above described.

In the Duchy of Lancaster Depositions in the Record Office are two plans dated 1601 and 1602 respectively. That of 1601, though unsigned, may probably be by Saxton. Its title runs: "A plat of Mychaell Foxcrofte groundes with his house Milnes, goite, or dames. Anno Domini 1601." It is also on a scale of 16 perches to 1 inch.¹

In 1606, in proceedings relating to water-rights, Saxton appears again as an expert witness, and puts in a signed and dated plan, in every respect similar to those noted above. It measures 692 mm. by 325 mm. In the left-hand top corner the title reads: "A perfect plat of the millnes & Water Courses in question betwixte John Towneley Esquire, plt: & John Parker Gentleman & otheres, Defendantes, made by Christofer Saxton the . 23 . of Aprill, An^o: D^m: 1606." The details and colouring do not differ from those of the plans already described. This "plat" was put in by Saxton at the time of his examination before the commissioners, "at Brunley the xxiiijth daie of Aprill Annis R. Rs. Jacobi Angliae etc. quarto et Scotie xxxix."

This is the last example of the original work of Christopher Saxton which I have been able to find.

Of Saxton's technical skill as a surveyor, and of his capacity as a draughtsman, we can only judge by the results which have survived in the maps and plans for which he was responsible. Of the instruments and methods he made use of in the field we know nothing. Nevertheless, although he may not have been distinguished as a brilliant exponent of the cartographic art at a time when it may be said to have been in an embryonic condition, he was at least an intelligent, capable, and industrious worker, who, in a field of activity which presented both novelty and many practical difficulties, laid a solid foundation in the science of land survey and map delineation and production.

He must be regarded in his professional life as a notable character in this development of our national progress, and has a right to fame in our annals.

¹ See Hugh P. Kendall. *The Story of a Local Feud*. (Halifax Antiquarian Society's Papers.) Halifax, 1923. 80.

It is unfortunate, though it seems to me very natural, that it has not been possible to establish in more detail the personal characteristics and surrounding circumstances of his existence.

Nevertheless I hope that what I have been able to bring together in this publication may be a sufficient justification for the labour and research it has involved, and may go far to establish the character and importance of the life and work I have endeavoured to adequately portray.

It will be noticed that I have not loaded up my text with the notes and references to authorities which from some points of view might have been useful to the reader. I have preferred to maintain the current flow of my text without such interruption, which to be adequate would have been at least frequent.

The reader will find, on the following pages, a short list of references to works which have been drawn upon and of which he can thus make use if he is so minded. In the first appendix is a Pedigree of the Saxton Family of Dunningley, complete as far as materials exist from which it could be compiled, and, in support, a full transcript of the text of such materials and documents. The second appendix is used to collect together all the documents which throw light on Saxton's actual professional career and labours. In these records, textually complete, will be found justified much of what I have written, and are amplified the details and main features which I have not been able to deal with to exhaustion in my text.

I trust they may be found useful to any reader who desires to study more completely the subject which I have dealt with here.

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See also Dictionary of National Biography.

JOHN DEE (1527-1608). Vol. XIV. London, 1888.

CHRISTOPHER SAXTON (fl. 1570-1596). Vol. L. London, 1897.

THOMAS SECKFORD (1515?-1588). Vol. LI. London, 1897.

APPENDIX I.

A PEDIGREE OF THE SAXTON FAMILY OF DUNNINGLEY, YORKSHIRE, WITH A TRANSCRIPT OF THE PERSONAL AND FAMILY DOCUMENTS ON WHICH IT IS BASED.

(I.)

Grant of Arms to Christopher Saxton.

Bodleian Library. Ashmolean Manuscripts, 858.

I William Flower Esq^r: alias Norroy King of Armes of the North partes of this Realme of England being required by Christopher Saxton of Dunningley in the County of Yorke gen. to discribe & deliver vnto him the Armes of his Auncestors in such sort as he may lawfully vse & beare y^e same have thought good in respect of the worthiness of the said Christopher Saxton who by speciall direccion & commandment from the Queenes Majesty hath endeavoured to make a perfect Geographically discription of all the seuerall Shires and Counties within this Realme, & accordingly finished the same to his own lasting praise not only to condiscend vnto his said request, but also further to the perpetuall remembrance of his well spent tyme therein, & in significacion of his desert y^t way to add vnto his ancient armes being argent three Chapletts or Garlands in a Bend gules duple cotysed sable for his Crest on a Torce or Wreath arg: & sa: The demy arme of a man, with the sleeve gold, the hand proper colour holding a paire of Compasses gold, therevnto joyning. Mantelle of gules duple argent as more plainely is to be seene depicted in these presentes, which armes & Crest & any parte & parcelle thereof I the said Norroy king of Armes do give & grant ratifie & confirme deliuer & assigne vnto the said Christopher Saxton & to his posterity for ever by these presentes. Signed & subscribed with my owne hand the first day of July Anno Domini 1579 & the 21st yeare of the raigne of our most gracious Soueraigne Lady Queene Elizabeth.

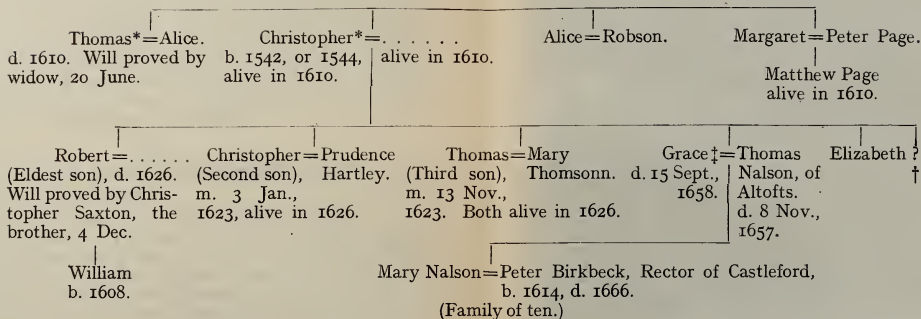
(II.)

Feet of Fines, Yorkshire. Mich. Term 23-4 Eliz., pt. 2, no. 25.

[Full abstract, translated from Latin.]

At Westminster. From Michaelmas in one month 23 Eliz. [1581].

PEDIGREE OF THE SAXTON FAMILY OF DUNNINGLEY.



NOTES.

* There is no authority for placing Thomas and Christopher in the order of seniority here assigned. † The expression in the Will of Thomas Saxton: "I give to the daughters of my said brother Christofer Saxton every one of them xiid.," justifies the assumption that there were more than two daughters.

A deed of 1581 gives particulars of transactions relating to lands in Woodkirk, Dunningley, Tingley, and West Ardsley, in which are named as parties John Saxton, Robert Saxton, and Thomas Saxton and Margery his wife. There is nothing to indicate their relationship with the members of the Saxton family of which the pedigree above is founded on the will of Thomas Saxton of 1608, but there is no reason to doubt that they were of a generation earlier of the Saxtons of Dunningley. (Public Record Office. Feet of Fines, Yorkshire, Michaelmas Term, 23-24 Eliz.)

- Authorities: Will of Thomas Saxton, the elder, made 14 Jan., 1608, proved 20 June, 1610. (York Probate Register.)
- Will of Robert Saxton, proved 4 Dec., 1626. (York Probate Register.)
- Archbishop's Transcripts of the Parish Register of Woodkirk, or West Ardsley. (York Diocesan Registry.)
- Familiae Minorum Gentium*, Vol. II. London, 1895. (Harleian Society's Publications, Vol. 38.)

‡ See for the Nalson family, *The Nalson Family of Altofts and Methley. Miscellanea*, Vol. XXIV, part III. 1917.

Between John Saxton and Robert Saxton quer^s and Thomas Saxton and Margery his wife def^s of one messuage, one barn, one garden, one orchard, 10 acres of land, 10 acres of meadow, 10 acres of pasture, 2 acres of wood and 20 acres of heath and furze in woodkirke, Dunynglawe, Tynglawe, and Westardeslawe.

A plea of covenant was summoned between them, to wit, that Thomas and Margery have acknowledged the aforesaid tenements to be the right of John as those which John and Robert have of the gift of Thomas and Margery and they have remised and quitclaimed them from Thomas and Margery and their heirs to John and Robert and the heirs of John for ever And Thomas and Margery have granted for themselves and the heirs of Thomas that they will warrant to John and Robert and the heirs of John the aforesaid tenements against all men for ever. And for this John and Robert have given Thomas and Margery 40 li sterling.

(III.)

Extracted from The York District Probate Registry of His Majesty's High Court of Justice.

In the name of God Amen the fourteenth day of January in the year of Our Lord God 1608 I Thomas Saxton of Duninglaw in the County of York yeoman being sick in bodie but whole in mind and of good and perfect remembrance thankes be given unto God therefore do make this my last Will and Testament in manner and forme following first I give my soule unto Almighty God and my body to be buried in the Parish Church or Church yard of West Audley alias Woodchurch in the County aforesaid and the church to have the duties due for the same Item I give and bequeath to my brother Xpofer Saxton and to my sister his Wife either of them xij^d Item I give to my sister Alice Hobson xij^d Item I give to my brother in law Peter Page and to my sister Margaret his Wife either of them xij^d Item I give to Robert Saxton the eldest son of Xpofer Saxton my said brother xij^d Item I give to Xpofer Saxton the second son of my said brother xij^d Item I give to Thomas Saxton the third son of my said brother one stand bed standing in my brothers plour Item I give to the daughters of my said brother Xpofer Saxton every one of them xij^d Item I give to Mathewe Page the son of the aforesaid Peter Page my brother in law xij^d Item I give to Mary Hobson xij^d Item I give to my servant Elizabeth Blades xij^d Item all the rest of my goodes my debts being paid and my funeral expenses being discharged I give and bequeath to Alice my Wife Item It is my Will that the said Alice my Wife shall during her life quietly and without lett molestaçon or hinderance have hold enjoy occupy and possess all my land according to the true intent and meaning of one deed of ffeoffm^t passed unto certain in trust to the use and behoofe of the said Alice my Wife after the day of our marriage as by the said deed it doth and may further appear And also I do further give and bequeath unto my said Wife and to her heirs and assigns for ever one close parcel of my said land usually called and

known by the name of the Long lands And it is also my Will that after the decease of my said Wife all my said lands (the aforesaid close called the Long lands only excepted) shall decend and remain unto the two youngest sons of Xpofer Saxton my said brother that is to say to Xpofer Saxton and Thomas Saxton and unto their heirs and assigns for ever Provided always that Xpofer Saxton my said brother and his heirs and assigns whatsoever shall in consideration hereof suffer my said Wife during her life quietly without any manner lett contradiçion molestaçon or hinderance to have hold occupy and enjoy all that mansion or dwelling-house wherein I now dwell with all other the edifices and buildings thereunto belonging and also the croft and garden thereunto appteyning together with that way for cart and carriage which I now use into the West Royd but if either my said brother or any his heirs or assigns whatsoever shall refuse so to do or shall contradict or any waies molest or trouble my said Wife in or about the premices or in or about any part or parcel thereof then it is my Will that the aforesaid bequest touching my said land made unto the said Xpofer Saxton and Thomas Saxton the younger sons of Xpofer Saxton my said brother and to their heirs and assigns shall be of non effect as if it had not been made at all unto them for in such case I give and bequeath all my said lands unto my said Wife and to her heirs and assigns for ever Item Of this my last Will and Testament I make Alice my Wife the full and sole Executrix and Supervisors hereof I make my loving and trusty friends M^r John Brooke, clerk, and parson of Emley and John Brooke of Adderton yeoman hoping that as my trust is in them they will see the same truly executed and performed In Witness whereof I have hereunto sett my hand and seal the day and year first above written. Witnesses hereof are: Jasp Linley, John Haighe Anthonie Glover.

Proved on the 20th day of June 1610 by Alice Saxton widow the relict the sole Executrix.

(IV.)

Extracted from The York District Probate Registry of His Majesty's High Court of Justice.

In the name of God Amen the five and twentieth day of September Anno Dni 1626 I, Robti Saxton in the Parish of Wood Church in the County of York Yeoman beeing weake in body but of good and perfect memorie I praise God do hereby make my last Will and Testament in manner and form following: First I bequeathe my soule into the hands of Almighty God & Jesus Christ my Redeemer most humbly beseeching him to pardon all my great and maniefould sins beseeching him to worke in me a holie faith & sound repentance persuading myself that in the blood of Jesus Christ I shall have all my sins washed away And my bodie to bee buried in the Church of Wood Church and for my worldly estate thus I dispose of it thus to give unto my Wife & sonne all my estate my lands and my liveings my debts & funerall discharged whom I make my Executors of this my last Will and Testament. And M^r Anthonie Nutter

Minister and John Rayner In Witnesse whereof I have sett my hand to this p^ente writinge Witness Henrie Gascoigne These legacies are excepted Inprimis To Christopher Saxton xls. To Thomas Saxton and Mary xxs To everie one of Roger Casson children ijs vj^d To Thomas Nalson my sword To his daughter my god daughter Marie xij^d To my sister Grace five shillings To my sister Elizabeth xs. To my Cousin Marie Hobson vs. To everie one of her children ijs vj^d To Rob^te Goltwhaite daughter my god daughter Elizabeth two shillings and sixpence To my god sonne Wi^lm Chadwicke 1/s. To Rob^te Casson ijs vjd.

Proved on the 4th December 1626 by Christopher Saxton of West Ardesley Clothier the brother of the deceased for the use and benefit of William Saxton the son¹ one of the Executors then a minor.

(V.)

Archbishop's Transcripts of the Parish Register of Woodkirk or West Ardsley in the York Diocesan Registry.

1608. de baptizatis

Williã son of Robte Saxton

Novemb 6th.

1623. Christopher Saxtonn maryed the iii day of January to Prudeⁿce hartley.

Thomas Saxtonn and Mary Thomsonn married the xiii day of November.

(VI.)

Extracts from the Lay Subsidies, 1 Edw. VI-17 Chas. I

(1547-1642).

Saxton entries in the Parish of West Ardsley, in the Hundred of Morley.

10 Eliz.:	(1567).	Thomas Saxton,	in goods,	£4.	3 ^s /4 ^d
14 Eliz.:	(1571).	Thomas Saxton,	in goods,	£3.	3 ^s /-
28 Eliz.:	(1585).	Thomas Saxton,	in goods,	—	—
31 Eliz.:	(1588).	Thomas Saxton,	in goods,	£3.	5 ^s /-
40 Eliz.:	(1597).	Thomas Saxton,	in goods,	£3.	8 ^s /-
41 Eliz.:	(1598).	Thomas Saxton,	in goods,	£3.	8 ^s /-
42 Eliz.:	(1599).	Thomas Saxton,	in goods,	£3.	8 ^s /-
4 Jas: I,	(1605-6).	Christopher Saxton,	in goods,	£3.	5 ^s /-
19 Jas: I,	(1620-21).	Robert Saxton,	in goods,	£3.	3 ^s /-

In the Subsidies for West Ardsley—22 Jas: I (1623-24); 4 Chas. I (1628), and 17 Chas: I (1641), no Saxton names appear.

In neighbouring parishes Saxtons are noted as follows:

Ossett.

1 Edw:VI,	(1546-47).	wife of Saxton,	in goods,	£6.	4 ^s /-
10 Eliz.:	(1567).	Robert Saxton,	in goods,	£4.	3 ^s /4 ^d
14 Eliz.:	(1571).	Robert Saxton,	in goods,	£3.	3 ^s /-
28 Eliz.:	(1585).	Robert Saxton,	in lands,	26 ^s /8 ^d	3 ^s /7 ^d

¹ William son of Robert Saxton was baptised 6 Nov., 1608.

Dewsbury.

1	Edw:VI, (1546-47).	William Saxton, in goods,	£8.	5 ^s /4 ^d
10	Eliz:, (1567).	William Saxton, in lands,	£10.	2 ^s /8 ^d
14	Eliz:, (1571).	wife of Saxton, in lands,	20 ^s /-	17 ^d

Bramley with Armley.

1	Edw:VI, (1546-47).	Richard Saxton, in goods,	£8.	5 ^s /4 ^d
Bramley.				
10	Eliz:, (1567).	Richard Saxton, in goods,	£5.	4 ^s /2 ^d
		Thomas Saxton, in goods,	£3.	2 ^s /6 ^d

APPENDIX II.

TRANSCRIPTS OF PUBLIC DOCUMENTS AND PAPERS
RELATING TO
CHRISTOPHER SAXTON OF DUNNINGLEY,
THE CARTOGRAPHER.

(I.)

Patent Roll. 16 Eliz., pt. 14 [no. 1121], m. 34.

[Abstract from Latin.]¹

The Queen etc Know all that we, in consideration that Christofer Saxton for certain good causes grand charges and expenses lately had and sustained in the survey of divers parts of England, have sold granted and to farm demised to Christofer Saxton all those messuage lands etc as well of free as of customary tenants which late were assigned to lady Anne of Clere for the term of her life in Stafford Benall Fernaham Great Glenham, Little Glenham Swefflinge, and Rendam in co. Suffolk [Stratford, Sweffling, and Rendham] and which in the whole now extend to the annual rent of *9li 18s 3d* and which are known by the name of "Grigston lande" otherwise "Grigston manor" by Stafforde and all that half acre of land called "Rotton acre" of new enclosure [de nouo appruam^t] in Stratford of the yearly rent of *12d.* and all manner of court leets and views of francpledge and the perquisites and profits of the same, also all houses, gardens, pastures, ponds etc to the said premises belonging, excepting, to us and our heirs, large trees, wood, underwood, wards, marriages, minerals and quarries, goods and chattels of felons and fugitives, advowsons of churches etc. To hold to Christopher Saxton his executors and assigns from Michaelmas last past for the term of 21 years next following, rendering yearly to us our heirs and successors *10li 5s 11d* and he, the said Christopher, to do all necessary repairs It shall be lawful for the said Christopher to have sufficient housebote, hedgebote, fyrebote, ploughbote and cartbote there during the said term, and he shall have timber from the woods on the premises for the repair of the mills, houses, and buildings during the said term. Etc. Gorhamburye 11 March, 16 Elizabeth [1573-4].

¹ Words in " " are so given in the original. Those in [] are added, being either the modern name of the places, or an unusual Latin phrase.

(II.)

Patent Roll 17 Eliz. pt. 7 [no. 1129], m. 34 or 11.

[Abstract from Latin.]

The Queen &c. Know all we, in consideration of the services of Christopher Saxton in and about the survey and description of all and singular the counties of England, have given and granted to the same Christopher the office of bailiff, collector and receiver of all the rents and profits of all the manors, messuages, lands etc of us our heirs and successors in the city of London and in the county of Middlesex late belonging to the Priory or Hospital of St. John of Jerusalem in England, and parcel of the possessions thereof late existing. To hold the said office to the said Christopher Saxton for himself or his deputy or deputies when the office shall happen to be vacant by the death, forfeiture etc of Constant¹ Benet now occupying the office, for the life of Christopher together with the wages and fees of 10 li yearly and all profits, advantages etc to the same office belonging To be received yearly from the issues profits and revenues of all and singular the aforesaid manors. lands etc as well by his own hand and retained in his own hand as by the hand of the farmer, tenant, or any other person occupying the premises or any of them at four annual terms etc Westminster 19 January 17 Elizabeth [1574-5].

(III.)

Public Record Office.

Privy Council Register 2 : 10.

At Westm. the xjth of Marche 1575

The L. Tresourer	M ^r Treasurer
The L. Admirall	M ^r Comptroller
The L. Chamberlaine	M ^r Secr. Smith
Thearle of Warwick	M ^r Secr. Walsingham
Thearle of bedford	M ^r Sadler
	M ^r Mildemay

A placart to [blank] Saxton ser^vnt to M^r Sackeford. M^r of the Requests to be assisted in all place where he shall come for the view of mete place to describe certen counties in Cart^e being therunto appointed by her Ma^te bi^h under her Signet.

(IV.)

Public Record Office.

Privy Council Register 2 : 11.

At St. James the xth of Julie 1576.

The L. Keper	M ^r Treasurer
The L. Tresourer	M ^r Comptroller
The L. Chamb ^r laine	M ^r Secret. Walsingham
Thearle of Warwick	S ^r Walter Mildmaye

An open L^{ie} to all Justice of peace mayo^{rs} & oth^{rs} etc wⁱn the severall Shieres of Wales That where [whereas] the bearer hereof

¹ Constancius.

Xp̄ofer Saxton is appointed by her Ma^{tie} under her signe and signet to set forth and describe in coat̄ [cartes] p̄ticulerlie all the shieres in Wales That the said Justice shalbe aiding and assisting unto him to see him conducted unto any towre Castle high place or hill to view that countrey and that he may be accompanied wth ij or iij honest men such as do best know the cuntrey for the better accom- plishment of that service and that at his de^pt^ure from any towne or place that he hath taken the view of the said towne do set forth a horseman that can speke both Welshe and englishe to safe conduct him to the next market Towne, etc.

(V.)

Public Record Office.

Patent Roll 19 Elizabeth, pt. 9 [no. 1159], m. 21.

D' coñ p Xpofero Saxton

Elizabeth by the grace of god &c To all manner printers Booke- sellers and other oure officers Ministers and Subjectes gretinge Whereas Christofer Saxton seruaunte to oure trustie and welbeloued Thomas Sekeford Esquier Master of Requestes unto us hathe already (at the greate coste expenses and charges of his said master) traveyled throughe the greateste parte of this oure Realme of Englande and hathe to the greate pleasure and cōmoditie of us and our louinge subjectes uppon the p̄fecte viewe of a greate number of the seu^{al}l Counties and Sheires of oure said Realme drawn oute and sett fourthe diu^{se} trewe and pleasaunte mappes chart̄ or platt̄ of the same counties Together withe the Cities Townes Villages and Ryvers therein conteyned vearie diligentlye and exactlye donne and extendithe yf god graunte hym lief further to travell therein throughe out all the residue of oure said Realme And so from tyme to tyme to cause the same platt̄ and discriptions to be well and fayre Ingraven in plates of copper and to be after Impressed and stamped out of the same aswell to the cōmoditie of oure subjectes as to all other that shall have pleasure to see and p̄use the same We lett youe witte that for the better encouraginge of the saide Christofer to p̄cede in this his so p̄fitable and beneficiall an enterprise to all manner of p̄sons Of oure especiall grace certen knowledge and mere mocyon We have geven and graunted and by thies p^{sent}̄ doe giue and graunte Priviledge and licence unto the saide Christofer Saxton and to the assigne and assignes of hym that he the said Christofer Saxton and the assigne and assignes of hym onely And none other for and duringe the space of tenne yeres nexte enswinge the date of this oure licence shall and maye by hym selfe his assigne and assignes factors and deputies Imprinte and sett fourthe or cause to be Imprinted and sett fourthe any and as manye suche mappes chart̄ and platt̄ of this oure Realme of Englande and Wales or of any Countye or other parte thereof by hym all ready or here after to be sett fourthe as to hym and to his saide deputie and deputies shall seme mete and conveniente And shall and maye sell or utter or cause to be solde or uttered any suche Imprinted

Mappes Chartt ϵ or plattes as aforesaid And further we doe by theis p^{res}entes streightlye forbyd prohibite and cōmaunde all and singular other parson and parsons aswell Printers and Bookesellers as all and eu^{er}y others whatsoever beinge either oure subjectes or straungers (other then the saide Christofer Saxton and the assigne and assignes of hym) or suche other as by the saide Christofer his executors or assignes shalbe appoynted That they nor any of them duringe the said terme of tenne yeres in any manner of wyse shall Imprinte or cause to be Imprinted drawen paynted or set fourthe any manner Mappe Chartre or platte as aforesaide but onelye the saide Christofer Saxton or the assigne or assignes s^uante or s^uant ϵ deputies or factors of hym the saide Christofer Saxton nor shall bringe in or cause to be broughte from the partes beyonde the seas into or withe in any oure Realmes or domynyons nor in the same shall sell utter or putto sale or cause to be solde uttered or putto sale or otherwyse disposed any of the saide Mappes Chartes or plattes of any oure Realmes or domynyons or any partes or parcelles of the same made or Imprinted in any forreyne cuntrye uppon peyne of oure hiegh indignacon and displeasure And that eu^{er}y offender doinge contrarie to thefecte and true meaninge of thies p^{res}entes shall for eu^{er}y suche offence forfeicte to thuse of us oure heires and successors the sōme of tenne poundes of lafull monye of Englande And shall also more-over forfeicte to the saide Christofer Saxton and to thassigne and assignes of hym all and eu^{er}y suche Mappes Chart ϵ and plattes as shalbe Imprinted solde or uttered contrarie to the trewe entente and meaninge of thies p^{res}entes Willinge therefore and cōmaundinge aswell the Master and Warders [*sic*] of the Misterye of Stacyoners in oure Cytye of London as also all other oure officers Ministers and subjectes as they will avoyde oure displeasure and indignacon that they and eu^{er}y of them at all tymes when nede shall require duringe the saide terme doe ayde and assiste the saide Christofer Saxton and the assigne and assignes of hym and eu^{er}y of them in the due exercysinge and execu con of thies oure p^{res}ente licence and privilegede withe effecte accordinge to the true meaninge of the same Althoughe expresse mencion &c. In witnes whereof &c. Witnes oure selffe at Goramburie the two and twentie daye of Julye [19 Elizabeth, 1577].

p i pam Reginam &c.

(VI.)

Patent Roll 22 Eliz pt. 2 [no. 1187] m. 14.

[Abstract from Latin.]

The Queen etc. Know all that we for divers causes and considerations have sold, granted and to farm demised to Christopher Saxton all that our parcel of waste land lying in the street or by the street called "St. John Strete" in co. Midd. within the parish of St. Sepulchre without Newgate London and without the bars of West Smithefeld in the City of London, to wit between the Kings road going to Iselington *alias* Iseldon unto Westsmithfeld on the east side and the way going to Westsmithfeld unto the street called

Turmill Strete on the west side and abutting upon another little way going to the said street called Turmill strete unto a street called St. John's strete towards the north and upon the parcel of waste aforesaid usually for the way to Turmill Strete aforesaid towards the south which parcel of waste above granted contains in length north and east, to wit, north-east 16 virgates and 2 feet and contains in length west and south to wit south west 20 virgates and contains in breadth at one end of the same abutting towards the north 16 virgates and contains in breadth at the other end of the same waste abutting towards the south 4 virgates and 2 feet which same parcel of waste land is or was parcell of the manor of Clarkenwell and late of the monastery or priory of Clarkenwell now dissolved or of the priory of St. John of Jerusalem in England late dissolved formerly parcel of the possessions thereof. To hold the said waste ground to Christofer Saxton his executors and assigns from the feast of the Annunciation last past for the term of 60 years, rendering yearly to us our heirs and successors 3s. 4d. yearly during the term aforesaid, with permission for Christopher Saxton his executors or assigns to build one or more houses upon the said piece of waste ground. Westminster 1 July 22 Elizabeth [1580].

(VII.)

Public Record Office.

Duchy of Lancaster Depositions II : 51 : 59.

[Map, made by Christopher Saxton 23 Apr. 1606.]

M^d that this Platt [map or plan] was deliuv^d unto us the Comission^s by C^rofer Saxton at the tyme of his examyna^çon taken before us at Brunley the xxiiijth daie of Aprill Annis R. R^e Jacobi Anglie &c. quarto et Scotie xxxix^o

[Signed] Ro: Holdens

Ryc^r Asheton

18. Christopher Saxton of Dunningley in the Countie of Yorcke gent. aged lxiiij yeres or thereabout^e sworne and examyned to the xviiijth Inter^f deposeth and sayeth that he this depon^t haith seene and veiwed the water or Brooke of Swinden Runinge betwene the Comp^ts auntyent mylne and the newe mylne Called M^r Parkers mylne and haith measured the same And sayeth that he this deponent did not see or p^ceyve any well springes or Runnells of water w^{ch} doe Come or Rune into the saide water or Brooke of Swindon betwene the saide mylnes but onlie suche as he this deponent haith expressed and sett downe in one Platt by him this deponent made and now shewed and delyvered unto the saide Comission^s at the tyme of this his examyna^çon whereunto he this dep^oent referreth him selffe upon w^{ch} Platt the saide C^om^{is}ssion^s or some of them have Indorced their names.

A Comission for the examina^çon of wittness^e betwene John Townley Esquire plt. & John Parker & others deff^te and for the making of a platt.

1 xv^{ma} Pasce in Cameñ
ducat Lancastř

Br. in xiiij^{to} May 1606 by Lawrence [H]erbergeam who rece^d
ye same of us Robt Holden on of y^e Coñ

Deposiçons taken at Brunley in the countie of Lancaster the
xxiiijth daie of Aprill Annis R Rę Jacobi Angt &c Quarto et Scotie
xxxix^o.

(VIII.)

A Survey of the Lordship of Burley made by Christ: Saxton
An^o Dñi: 1602.

	Acars	Roodes	Dayworks	Perches
Inprimis the Scite of the Maner of Burley w th the orchard Mylne and Mylnehill and Veuer close	7	3	3	0
The South feilde closes	47	2	5	0
The mylne holme Pitterell and the nether close meadowe	28	3	3	2
The East feilde closes	72	1	4	3
Mr ^{ts} Caluerley The Hall croftes and Hollyns	20	0	7	2
The Inpriddins	31	1	8	1
Graftons	5	1	5	0
Fowlescar	18	3	3	0
Hungerhill, Scalebar, vid the highfeilde close	59	3	5	2
Burley wood, Ingmeadow	18	1	2	2
Burley wood	99	0	0	2
Wetelandes, Latherbanks, and Long-roodes	67	3	9	2
Sm	477	2	8	3

The Tenantes

George Wrosse howse and croft	1	2	0	0
The yatelandes	2	0	2	0
Latherbanks and patrik holme . demaines	7	0	8	3
Grenehowe	6	2	2	1
Hinde pighill	3	3	0	0
Thorneheades	8	0	8	1
Crooke acre	9	2	2	1
Brade Ing	1	0	8	2
Kilne garth end	1	1	7	3
Kilne garth	0	1	2	2
The East pke demaines	7	0	1	3
The Leafeilde	5	3	6	2
The wood riddins	5	1	0	2
Sm	60	0	1	0

	A.	R.	D.	P.
Christ. Tackoray howse and croft	4	3	6	2
Simond ridding	4	0	6	2
The west closes	8	2	7	3
Woolse croft	2	0	1	0
Towne end close	2	0	0	2
The howmes and Storraines	6	0	9	0
The Calderes	4	0	7	3
Langraines	6	2	2	0
Bay ridins	3	0	2	0
Braisker	4	0	4	1
Tailers Ing meadowe	4	0	7	2
Leafelde	4	2	1	3
Sm	58	2	6	2
Christ: Tomson howse and croft	1	3	3	0
The West panok	0	3	3	1
The West close	3	3	1	0
Bayridings	7	2	6	
Hudflat meadowe	5	3	0	0
The pighill	1	0	2	0
Thorneheads	5	1	2	2
The Intak	3	2	6	2
Woolbeck closes	8	1	6	2
Broit croft Ing	1	3	9	1
Broit croft	10	1	3	0
The West close Ing	2	3	0	1
The leis meadowe	2	2	0	2
Peasebar	2	1	1	2
Jame Ing	0	2	4	0
Sm	58	0	1	3
William Tomson howse and croft	2	1	1	1
Broitcroft Ing	1	1	7	2
Sm	3	2	8	3
Robert Turner howse and groundes adioyning	33	0	6	0
Robin hoile Intak	8	2	5	3
Sm	41	3	1	3
.
.
Cra
Th . . . close	1	2	.	.

	A.	R.	D.	P.
The olde ridding	1	2	.	.
The leafelde close	9	0	.	.
yoolesike close	4	1	7	.
The Intak	9	2	9	0
Sm	38	0	2	0
William Watson yonger: howse and croft	1	1	3	3
The leafeld close	3	3	3	0
Yatelandes	2	1	0	0
The parroock meadow	1	1	4	3
East feilde close	1	1	6	0
The calfe close	1	1	8	0
Towne end close	1	3	5	0
Woodriding	3	2	1	3
Sm	17	0	2	1
George Steade howse and garth	0	0	8	0
The west croft	1	0	2	0
Peasebar	4	2	3	1
Langlay banke	1	3	2	0
The Brading	0	3	7	0
The pighill	0	2	5	0
Power raynes	11	1	6	0
Woodbeck close	7	0	2	0
Sm	27	2	5	1
John Maude howse and croft	1	1	2	0
The 7 landes close	0	3	8	0
Storflats	6	2	5	3
The Leafeld close	5	2	0	2
Sm	14	1	6	1
William Watson the elder howse and groundes adioyning	15	1	9	0
leafeld	3	2	6	0
Bayriddins	13	2	8	2
parkebanke	7	0	3	1
Sm	39	3	6	3
Thomas wrose howse and croft	1	2	0	0
The hall sleightes	12	1	8	1
Sm	13	3	8	1

	A.	R.	D.	P.
Gilbarte Dobson howse and groundes	5	0	3	1
Perciuall Jenkinson howse and croft	1	1	2	0
The Intak	4	2	4	2
Broit croft	2	2	6	0
The cowclose	7	3	9	0
Sm	16	2	1	2
Nicholas Jackson howse and croft	2	3	0	2
Storflat meadow,	4	1	8	3
Docklandes and calderes	9	0	2	1
Broitfeild croft	5	2	0	0
Leafeilde close meadow	7	0	4	2
The Intake	3	3	5	3
Sm	31	3	1	2
Leonard Smickergill howse and croft	0	3	0	0
the west Croft	2	3	3	0
The flete	3	2	2	2
The garth	0	1	5	0
The garthend close	5	0	0	0
The pighill	0	3	2	0
Hungerhill close	3	1	0	1
Sm	16	2	2	3
William Sikeshowse and croft	1	1	2	2
Hungerhill close	7	2	4	3
Sm	8	3	7	1
Richard crosley howse and croft	0	1	5	0
The parroock meadowe	1	1	0	3
The eastfeild close	2	0	6	3
The garth	0	2	4	0
The Hagclose	6	0	3	0
Sm	10	1	9	2
Christ: Sikes howse and croft	0	3	0	0
The leafeild close meadow	3	3	0	2
The high Ing	2	2	9	0
The 4 Landes close	3	1	4	2
The leafeild close	1	0	9	3
The wodridings	5	3	0	3
The great woodridings	7	1	3	2
Sm	24	3	7	3

The Genesis of Warburton's "Map of Yorkshire," 1720.

By W. B. CRUMP, M.A.

The noble series of county maps surveyed by Christopher Saxton, and issued between 1574 and 1579, mark the birth of English cartography. They were the foundation of all English maps for a century and more. Their style was imitated, their topographical details appropriated by successive engravers and publishers until the original source was almost lost to sight. The only other surveyor who did work at all comparable with that of Saxton was John Norden, who surveyed and mapped several counties in the south of England, but only two of them were published in his lifetime. This was unfortunate in one respect, because Norden took note of some of the highways, and his map of Middlesex in *Speculum Britanniae*, 1593, was the first county map to show roads. Saxton merely marked the principal bridges.

Saxton's and Norden's maps were reissued on a smaller scale to illustrate Camden's *Britannia* in successive editions from 1607 onwards. They were also the basis of the county maps in Speed's *Theatre of the Empire of Great Britaine*, 1611. As such they continued to be issued down to 1770, with erasures of dates and imprints and substitution of others, and with additions or emendations, until it becomes difficult to assess their true character. But it is not surprising to find the progeny of the prolific Speed ousting Saxton and Norden from their lawful inheritance. In fact, any version of Speed's map of *The West Ridinge of Yorkeshyre*, whatever its date, may be traced back to Saxton's *Eboracensis Comitatus*, 1577, both in its essentials and its incidental features.

Information as to highways was not at first put upon maps, and has to be sought elsewhere. It was only in Tudor times that the State began to concern itself with the provision of posts along the principal highways, especially those radiating from London to foreign borders, *i.e.* to Dover for France, to Holyhead for Ireland, and to Berwick for Scotland. The conception of a post-road was merely a succession of post-towns, or stages, between London and Berwick. In the sixteenth century there also began to appear

tables of the highways, setting out the towns, and by that means defining the course of the principal highways. Sir George Fordham has made the subject of these early road-books his special investigation, and has recently brought to light the earliest tables yet known, dating from 1541-61.

For a hundred years these tables remained undeveloped, though often printed in almanacs, and the number of highways increased somewhat. Then, in 1675, exactly a century after Saxton's survey of England, John Ogilby produced in his *Britannia* a survey of its principal roads, to the number of seventy-three, "actually ad-measured and delineated," on a hundred folio sheets. The work was promoted and encouraged by Charles II, and brilliantly accomplished by Ogilby. He was not, like Saxton, the surveyor, but the organiser and publisher. How many surveyors were employed upon the work is quite unknown, and only the names of three or four are recorded at all.

Ogilby's *Britannia* was the first and the greatest of the road-books. The idea of it was to show the course of a road in a series of strip maps after it had been determined by a survey; whilst the details embodied in the plan were supplemented by a separate description. Further, the measurements were made in the "statute" mile that had been defined in 1593, in place of the reputed or customary mile. But even the immense vogue of Ogilby failed to displace the use of the customary mile for many years, though it undoubtedly contributed to establish the new name, "road," in place of "highway."

The most obvious outcome of Ogilby's work was the long series of road-books that flowed from the press for the next century. More indirect, but equally important, was the change it brought about in the maps. It was an easy thing to take Ogilby's surveyed roads and insert them upon the map of England and Wales, and cartographers were not slow to make use of this gratuitous material. In fact, Ogilby had provided a key map that might be incorporated bodily, with merely an adjustment of scale. So the later issues of Speed's maps, and those put out by Blome, Morden, Moll, and others, down to 1750 or later, show roads that are wholly or largely derived from Ogilby. Indeed, with certain notable exceptions it remains true that until Thomas Jefferys produced his new large-scale county maps between 1765 and 1771, and John Cary issued his *New English Atlas* in 1787, the maps of the eighteenth century were mainly based upon Saxton's maps and Ogilby's roads.

One of these notable exceptions was the survey work of John Warburton, who published maps of five counties in all, and carried through the survey of Yorkshire in 1718-19, and issued his map of Yorkshire in 1720.

There is good reason for bringing Warburton and his survey of Yorkshire to the notice of the Thoresby Society, for Ralph Thoresby was greatly interested in the survey, and his letters throw considerable light on its progress both around Leeds and elsewhere. There are also good reasons for linking Warburton with Saxton and Ogilby. As far as Yorkshire is concerned he is next in the succession, and Warburton's work was, like theirs, the basis of subsequent maps of the county until Thomas Jefferys, employing more scientific methods of survey, attained an accuracy and a detail comparable rather with those of a modern ordnance map than with earlier maps.

Warburton's methods were those of the old school, equipped only with primitive instruments. Like Saxton, he ascended hills and church towers to sight the landmarks; like Ogilby's surveyors, he pushed a wheel along the roads to measure their mileage. Particularly does his survey supplement Ogilby's roads, for it was primarily a road survey, greatly expanding our knowledge of Yorkshire highways at a critical time. In that lies its exceptional value, for Warburton's map records the course of the principal highways in the county just before they began to be diverted or superseded by turnpike roads, or disturbed by the enclosure of moorlands.

The merits of Warburton's map must be judged by comparison with contemporary or pre-existing maps, not with those of later date. As it happens there is an almost contemporary "Mapp of 20 Miles round Leedes" in Thoresby's *Ducatus Leodiensis*, that was "Ingraven by Sutton Nicholls at London Wall near the Weavers Arms against the Postern London 1712."

This Sutton Nicholls was a draughtsman and engraver who engraved several maps in Gibson's edition of Camden's *Britannia*, 1695, and also produced "A New Map of Yorkshire" in 1711. Of this latter I know nothing, but the map for Thoresby was probably drawn to order from available sources. It shows a fair number of roads, several of which can be recognised as Ogilby's, as, for instance, the York and Chester road passing through Leeds. It is only shown by a single line, and out of it branches a road to Harewood and Ripon, which is the only other road out of Leeds.

The purpose of this paper is not in any wise to discuss the roads

as revealed by Warburton's map, but to examine his methods of survey, his personality, his intercourse with Thoresby, and his progress through Yorkshire. In this way it will be possible to arrive at a considered judgment of the merits of his map. As it happens, Warburton's note-books are preserved amongst the Lansdowne MSS. in the British Museum, and these both reveal his methods and supplement the record of the map by the detailed log-books, by road plans, and by pen and pencil sketches.

Some of the contents of these note-books have been already published under the title, "Journal in 1718-19 of John Warburton, F.R.S., F.S.A., Somerset Herald," in the *Yorks. Arch. Journal*, xv, 61-84. The introductory life was written by W. Brown, F.S.A., and he supplemented the "Journal" with a "List of Drawings," over 250 in number, by Warburton. Thoresby's letters that refer to Warburton are preserved in the Bodleian Library, and were printed in the second volume of *Ralph Thoresby, the Topographer*, by D. H. Atkinson. But of the letters exchanged by Thoresby and Warburton none appear to have survived.

Warburton had already, in 1716, surveyed and published a map of Northumberland, so that he was no novice when, in October, 1718, he began the survey of Yorkshire. He was then 36 years of age, and a supervisor of Excise stationed at Bedale. Either his conduct or his political views or actions had brought down upon him the official censure of the Commissioners of Excise, and, no doubt acting upon a hint, he quitted his work and applied for leave of absence "for a few months for the recovery of his health and vigour," impaired "by an excess of grief for his late misfortunes and the loss of their honours' friendship." He had, in fact, already started his survey of the North Riding when he sent in his application, as it was written at Greta Bridge.

Probably the Yorkshire survey was already planned and subscriptions promised. Certainly Thoresby, as early as October, 1718, had discussed some "designed new map" with Warburton, and a letter of his to Bishop Nicholson, dated December 6th, gives an interesting glimpse of Warburton's method, and proves that much had been done in obtaining subscribers to the map.

"Your kind wishes for M^r Warburton's success are efficacious. Besides one letter from himself, I had another from M^r Robinson that is very agreeable. I was afraid that the wetness of the season would have prevented his progress in the actual survey, but the said justice acquaints me that the wheel passed by his house in its road from Cleveland towards Scarborough the 24th, and that M^r War-

burton himself staid with him from the 23rd to the 26th. From Scarborough he designs for Bridlington, and thence to Hull, for meeting the shipmasters whilst ashore, and then he designs on a visit at Leeds. He has already about 300 subscribers."

It is clear from this letter that Warburton was employing an assistant to make the actual road surveys, whilst his own immediate concern was the enrolment of subscribers. He must have had good introductions, for everywhere he appears to have been entertained by "the nobility and gentry," secured their subscriptions by a promise to reproduce their coats-of-arms, and was permitted at the same time to see and sketch their seats and halls, and, in fact, all the show places of the county.

His own journal, as published, amply confirms this conclusion. It is only a fragment, and the half of it is occupied with his journeyings in and about Wharfedale, as he came to Leeds in the month of February, 1719. On February 9th he left Bedale and stayed the night at Aldbrough Hall with Sir Roger Beckwith. On the 11th "having taken in the Subscriptions for Rippon," he rode on to Stoodley Park and Fountains Abbey and continued to Ripley Castle, "and was kindly received by S^r John Ingleby Bart." "Here I stayd all night, and beside a most sumptuous entertainment, a hearty welcome, and a generous encouragement of my affaire, was favoured with a sight of rare MSS. on vellum," and other treasures. From Knaresborough, where he entertained himself, he passed on to Leathley Hall, spent the week-end at Weston Hall, with a servant to guide him to Ilkley and back, and so in turn to Harewood Hall, Ribstone Hall, "ye Rowbuck" at Tadcaster, Parlington Hall, Austrop Hall for the Sunday, and from thence to Leeds. "During my stay in Leeds, w^{ch} was till Thursday morning [*i.e.* Feb. 26], all w^{ch} time I lodgd with M^r Thoresby, who gave me a very agreeable entertainment in viewing at leasure his curious collection of natural and artificial rarities MSS. etc."

The only comment called for by such a grand tour is "Lucky man!" It is easy to see how the collection of drawings grew daily with such opportunities.

The title of the map is quite in keeping with its aristocratic origin:

"Map of Yorkshire from actual Survey, with a list of the nobility and gentry and their Coats-of-arms; an alphabetical table of all the towns and villages, etc., mentioned. Only for persons of distinction and of public employ, and none to be sold but what are Subscribed for."

The idea of embellishing a map with coats-of-arms was what Thoresby would call "ingenious"; it was a successful bait for subscriptions, in keeping with the times. Only Warburton rather overdid it. Hunter (in Thoresby's *Diary*) commented: "He has incurred some reproach, on account of having introduced several coats which are of doubtful authority." When, in 1749, he had a similar map of Middlesex ready for publication, with 500 arms engraved on its border, the Earl Marshal prohibited its sale until the right to use them had been proved by the claimants. In regard to the Yorkshire map it is evident from a letter of Thoresby, quoted below, that Warburton failed to keep faith with all his subscribers—he had so many.

After this first stay with Thoresby, Warburton journeyed from Leeds to Wakefield, where he spent a week, and his journal finishes with his arrival at Black Barnsley.

In May, 1719, he was in Leeds again, and once more the guest of Thoresby, who wrote to Dr. Charlett:

"Most of the last week was taken up with Mr Warburton at my own house where he was an acceptable guest from Saturday to Thursday [*i.e.* May 2nd–7th], from thence till Sunday after waing [*sic*] the Roman way, and making visits to some of the nobility and gentry.

My son who accompanied Mr Warburton to Halifax call'd with him to see the old man at Hipperholme who is hearty and strong in the 113th year of his age."

This letter is undated, but it was probably written at the same time as the next, dated 13th May, and addressed to Mr. Anstis, Garter King-at-Arms and Member of Parliament. It is full of enthusiasm and of particulars of Warburton's methods and progress.

"I question not but you have heard of Mr Warburton's noble Map of Yorkshire. The Arms of the Nobility and Gentry are to be engraved on each side, as in that he has done of Northumberland, which is not to be got for money, he having stuck to his promise that none shall have any Map but Subscribers, so that some Innkeepers of your County who had subscribed sell them for double price. The North and East Ridings of this County are actually surveyed and a great part of the West; the rest is doing. He was with me four days the last week. I am mightily pleased with his performance."

The work in progress at the time was the survey of the roads, and this may be dated almost from day to day from the actual surveys amongst the Lansdowne MSS. The interesting question, who made the surveys, is difficult to answer. Thoresby states in later

letters that he had found young gentlemen of Leeds to assist in the survey, and from his diary one of them can be identified with a Payler Smith named in the Lansdowne MSS. However closely Warburton was following the survey—and the spelling, writing, and phraseology of the MSS. all appear to be his—it is certain that Payler Smith was travelling the roads, making the measurements. This is proved by a page of instructions, in Warburton's writing (f. 352 *b*) at the end of MS. 912.

Directions for Mr Payler Smith Survey

		April 10th 1719.
[April]	10	By Midlam to Leyburn 8 miles
	11	By Reeth to Ascrigg 12
		my service to Mr Thornton
	12	Sunday
	13	To Sedbergh 13
	14	To Dent 3
	15	To Settle 13
	16	Skipton 10
	17	Otley 8
		my service to Mr Vavasour
	18	Weatherby 8
	19	Sunday
	20	by Tadcaster to Selby 12
		drink 6 ^d Mr Lee Officer of Excise

Elsewhere (MS. 913) there is preserved a rough note of expenses in the North Riding, with a receipt for wages on July 28th for two pounds and two shillings, amended below to this form:

July 28th, 1719.

Then Received from Mr John Warburton the sume of Three pounds sixteen shilling and sevenpence in full for wages, Guides and all other accounts as witness my hand

Payler Smith.

The programme worked out a little late, for the road from Skipton to Otley was surveyed on April 18th, and thence to Wetherby on the 20th. A week or so later came Knaresborough to Otley (28th) and then Otley to Leeds (29th).

When Warburton left Leeds for Halifax on May 7th, the surveyor worked from Leeds to Bradford, and the following day from Bradford through Halifax to Elland. His course was then to Wakefield on the 9th, to Huddersfield on the 11th, and next day to Penistone.

I have published some of these road surveys in full in "The Road Surveys of John Warburton," *Halifax Ant. Soc.*, 1926, pp. 13-48.

In October Warburton paid his third visit to Thoresby and

Leeds. The road surveys were probably finished, and he was occupied—or Payler Smith for him—in getting the position of landmarks, churches, houses, etc., ascending church towers or conspicuous hills for that purpose. Several of these panoramas were obtained around Halifax and Huddersfield on October 2nd and 3rd, and others from Bradford, up Airedale, and back to Otley by October 10th.

Fortunately, Thoresby had just recommenced his diary after a long silence. The entries almost at once bring Warburton and Payler Smith on the scene and in association with Samuel Buck. Both Warburton and Buck were staying with Thoresby, the one for the purposes of his survey, the other to draw "The East Prospect of the Town of Leedes in Yorkshire from Chaveler Hill." Thoresby's record of the week's doings is both illuminating and amusing.

[1719] Oct. 1. Transcribing Mr Bland's survey till eleven.

Oct. 10. Afternoon, on the Survey [*i.e.* Mr. Bland's] till past five; at Payler Smith's the surveyor till evening prayers.

14. Morning read and wrote: then at the new church [St. John's], as high as the bells; but durst not venture up the ladder to take bearings with Mr P. Smith.

This actually reveals Payler Smith at work for Warburton, obtaining a panoramic survey round Leeds from the tower of St. John's Church, Briggate. (Trinity Church, in Boar Lane, was not begun till 1721.)

16. Read Dr Hammond; then with Mr Warburton and Mr Buck to take a new prospect of the town from Priest-cliff near Cavalier-hill Afternoon, at the new garden-house upon the hill, but could make little proficiency in the prospect because of the rain.

Warburton's crude rough sketch still exists amongst the Lansdowne MSS., and is here proved to have been drawn at the same time and from the same place as the well-known "Prospect," by Buck, or rather a first draft of it: Buck was again at work on it the following spring.

17. Read Hammond; then at the hill-top taking the rest of the town, and drawing a view of the new vicarage till noon; dined with them at P.S.'s.

But the next morning, the Lord's Day, brought forebodings of a day likely to be misspent with two such guests in his house. As host he must defer to their wishes, unless he could persuade them—and he did—triumphantly.

18. Much concerned for the foreseen unavoidable mispence with my guests of this holy day, yet got them to church both forenoon and afternoon and also to the evening prayers.

Had their ingenious conversation (which would have been more acceptable another day) till bedtime.

The next day saw the departure of his guests:

19 Oct. Set forwards with Mr Warburton and my little son Richard for York: when we were out of town he drove the chaise himself, that we might have more enjoyment of each other's company. Upon Bramham Moor we traced the grand Roman military way and he conducted me to a certain place where three of their ways part, one goes by St. Helen's ford to the north, another grand road through Tadcaster to York, and a third towards Thorner, confirming my apprehensions of a Via Vicinalis.

Warburton had noted them in his Journal (Feb. 21, really 20) as he journeyed from Tadcaster, and continued: "After I had completed my surveys of these roads went to Haslewood, ye seat of Sr Peter Vavasour."

The day was not without adventure, for after baiting at Tadcaster the unruly horse "ran the chaise backward up a steep bank. Mr Warburton himself conducted me to York, whence his servant to the Minster."

Altogether their association leaves a very pleasant impression (both have left some record of it), the more marked in contrast with the unvarying disparagement of Warburton or hostility to him shown by most of his contemporaries. He was undoubtedly a man who made more enemies than friends.

The last stage, the engraving and publication of the map, can be traced in the letters of Thoresby to Dr. Charlett, the Master of University College, Oxford.

Various phrases and statements reveal the fact that it was Leeds surveyors and draftsmen, probably Payler Smith amongst them, who prepared the map for the London engravers.

Six months later the drawings had been despatched.

"The last letter I had from Mr Warburton he says he is in great forwardness. To my knowledge, the last quarter of the map, in four skins of parchment, very curiously protracted was sent some time ago from Leeds for his finishing stroke. I hope it will give great content, but he is so taken up with his new honours (Somerset Herald, F.R.S., and Member of the Society of Antiquaries) that he forgets his old friends.

Leedes 2 April 1720.

[P.S.] Since the above was writ the post has brought me a letter from Mr Warburton, who says he has employed so many of the top workmen in London that the map will be ready to be delivered the middle of next month."

But by the close of 1720 all the progress that he could record was that proofs had been sent down to Leeds.

“ I hope your expectations will be answered in this Map of Yorkshire you enquire after. I had a great part of it in my Library (being sent by post), to be examined here in the County by his Surveyors, etc. There was indeed nothing of the Arms, but the Map itself will be very curious and the rest I hope when finished.

Leedes 5 Dec. 1720.”

Probably delivery to subscribers began late in 1720. Thoresby's next letter was not written till May 1721, when subscribers were still waiting for their copies. But there is a significant hint that all was not well as regards the coats-of-arms. Two of the six sheets (measuring 28½ by 23 inches) were devoted to these and the tables of towns, but evidently Warburton had not found room for all that he had accepted, though too many to please the critics.

But the postscript is the more important for it reveals at last the part he played in engaging Payler Smith and other “ ingenious young gentlemen ” of Leeds as surveyors and draftsmen for Warburton.

“ I have indeed got one to Leeds for my own use, as I hope you have got one to Oxford for yours: but very few of the subscribers in these parts are yet provided for, the painting and pasting being tedious and chargeable, as he writes, for I have not yet seen him. One of the first things I looked for was the Arms of your famous College, and was glad it was not omitted, as some gentlemen in these parts that subscribed for and paid for them. I shall be glad to hear that it gives as universal content in your parts as it doth here; though there is nothing of that nature without its enemies.

Leedes 20 May 1721.

[P.S.] The ingenious young gentlemen of this Town and Parish that I recommended to him for surveying and drawing, have quit themselves with much honour, that he is contracting with them to go shares with him in the profits so well as the fatigues of the rest of the Kingdom.”

Warburton had by this time gone to London, as Somerset Herald, and he settled there for the rest of his life. He began at once to plan a survey of Middlesex, Essex, and Hertfordshire, and for that purpose brought Payler Smith and another Leeds young man, Joseph Bland, up to London. He was probably the son of Nathaniel Bland of Beeston Hall, and his name has already been quoted from Thoresby's diary. It was not then (Oct. 1st, 1719) clear whether his survey, that Thoresby was copying, was part of Warburton's survey, though it is probable. But that he was engaged, subordinate to Payler Smith, on the Middlesex map is proved in connection with a visit Thoresby paid to London in 1723.

Just a month before Thoresby set off from Leeds he received from

Joseph Bland a letter advising him about suitable rooms, and revealing both of them busy with the map.

London Feb. 9, 1722-3.

“ There is a room now empty in the house Mr Smith lodges in, in this street [to be had at 4/- a week]

Mr Smith lodges in the room overhead, and pays the same price: he removed out of the lower room a pair of stairs higher for the sake of the light, our map plates being now engraving in his room; so if you like the room it shall be secured to you

Mr Smith is now in town, and is busy every day laying down the work and making more plans ready for the engraving. There has been one rough proof taken off one of the plates.”

So a few days after his arrival Thoresby notes in his diary, “ Discharged my lodgings at the inn and removed to Mr Payler Smith’s.”

One day he paid a visit to Warburton; on another he received one from the “ famous Mr Derham who mightily approved of Mr Smith’s new map of Middlesex, Essex, and Hertfordshire ”; and on his departure for home Smith and Bland were there to bid him “ God speed.”

“ June 3. I rose early: at four, walked to Holborn; had Mr Smith’s and Mr Bland’s company to the stage-coach.”

And so these two “ ingenious young gentlemen of this Town and Parish ” pass out of the story.

Warburton, in spite of his abilities, which had brought him to the front, was making enemies in London, just as he had done in Yorkshire. He had little education, and his obvious shortcomings in spelling and writing were seized upon to belittle his solid contributions to knowledge.

This attitude may be best illustrated by quoting a fragment of a letter from an unknown writer, addressed to Thomas Pennant, the eighteenth-century naturalist. It was fixed in a copy of Wallis’ *History of Northumberland* that bears Pennant’s book-plate, and evidently has reference to something written about Warburton by Wallis. It was contributed some time ago to the *Yorkshire Weekly Post* by Mr. H. Askew. Like other candid opinions it was written not without malice.

“ Thus far Mr Wallis I knew Warburton well. He was the most Illiterate man I ever met with. Ignorant not only of all the Learned and Foreign Languages, but even of his own. As to Drawing he had not the humblest Rudiments of it. Nor was his knowledge greater in Surveying. He did not, I have the greatest Reason to think, know a Right from an Acute or Obtuse Angle. And yet this man had the Art or rather Cunning to pass through

life with Credit and to be spoken of after his Death as a man of Learning and Ingenuity."

Even the late Wm. Brown, in introducing Warburton's *Journal*, was at fault in his judgment and praised his drawings rather than his survey of Yorkshire:

"Notwithstanding Thoresby's laudatory notice," he wrote in 1898, "and the expense and trouble Warburton put himself to, the map is a very mediocre performance"

"Warburton's real title to the gratitude of posterity is his collection of excellent drawings of gentlemen's seats and places of interest in Yorkshire, preserved amongst the Lansdowne MSS."

Confronted with such judgments upon Warburton's work it seems at least desirable to state its real value to posterity after an examination of the foundations upon which the map is built, the survey log-books in the Lansdowne MSS. They are the ultimate test of the accuracy of the map; but they have never previously been even taken into consideration, still less been weighed and found wanting. Faults of spelling may irritate and a Herald ought at least to be critical of claims to bear arms, but such shortcomings are irrelevant to the production and purpose of a map. Thoresby was in the best position to judge, for he saw it in progress, and there is no doubt about his verdict.

Before dealing with the map the sketches may be considered as few words will suffice. •

Of these it may be said at once that they are the product neither of an artist nor of a draftsman. They are the hasty jottings of a traveller, desirous of preserving an impression of what he saw. They have as much merit, or as little, as the snapshots taken by the owner of a Kodak to please himself, or to serve as a record of the places he has visited. Apart from some of the town prospects the value they now possess is purely extraneous, and limited at that. Gentlemen's seats make a much smaller appeal to the public interest than they did in the eighteenth century, when most travellers were gentlemen. But the commercial success of Warburton's survey depended upon due prominence being given to them, hence both the houses and the owners' names appear upon his map, and they are equally prominent in all the road surveys.

The Thoresby Society has a direct interest in these sketches, for it possesses tracings of a large number, perhaps a complete set, of them, mounted and bound in three volumes. The origin of the tracings is set out in a slip from a sale catalogue:

Seats in the East, West and North Ridings of Yorkshire. Con-

sisting of 250 Drawings copied from Warburton's Sketch Book in the British Museum: specially executed for the late Christopher Sykes Esq., carefully mounted in three folio volumes, half red morocco extra, gilt edges, about 1860. £10-10-0.

They contain his book-plate and that of the next owner: "Charles George Milnes Gaskell of Thornes House co. York Esq. M.P."

At the dispersal of the Milnes Gaskell library, in 1924, they were purchased by a member of the Council of the Thoresby Society, and by him presented more recently to the Society.

As already stated, Warburton's *Map of Yorkshire* is based upon two earlier surveys: Saxton's map *Eboracensis Comitatus*, 1577, and such Yorkshire roads as were surveyed for Ogilby's *Britannia*, 1675. His survey was scarcely more advanced technically, but by combining the two methods employed by them separately, viz. a fixed "panoramic" survey from a series of heights, and a travelling survey along selected roads, his map marked a great advance. Further, the scale selected, five miles to two inches, was much greater than Saxton's, and admitted the introduction of much more detail.

But in some respects it marks no advance in knowledge. Saxton's map was the foundation for general topographical features such as mountains and rivers. They are drawn in much the same way, and the weakest portion of Warburton's map is, naturally, the hill country towards the Lancashire border. Some parts of it he scarcely visited, and they are a blank. Both there and elsewhere the course of the smaller streams is uncertain or wrong. Wherever a road crossed a river he was at pains to note its direction upwards and downwards to aid the survey, but neither rivers nor hills could be accurately surveyed by the available methods.

Again, Warburton inserted Ogilby's roads without troubling, so far as I have noticed, to survey any of them. Certainly there is no evidence of his surveying any part of Ogilby's York and Chester road. From Littleborough to Elland and Leeds, and from Leeds to Tadcaster and York it appears on his map, but it must be treated purely as borrowed from Ogilby.

But these borrowings do not detract from the merit, and scarcely from the magnitude of his undertaking. To the half-dozen roads of Ogilby he added scores of his own surveying all through the county, just as he retained all Saxton's towns, villages, and parks, but supplemented them with many more gentlemen's seats and minor place-names.

The detailed road surveys and maps in the Lansdowne MSS. are

the criterion of the published map. They not only establish what part of the map is the original work of Warburton; they afford proof of its accuracy. Any road recorded there can be redrawn to any scale and compared with the ordnance map. The differences from the modern road may be slight or far-reaching, but they cannot be brushed aside as errors. Warburton gives the course of the ancient highway with sufficient accuracy to enable later diversions to be detected, and these are often of considerable magnitude.

Conversely, the absence of such road surveys proves that a road was inserted in the map on other and less reliable evidence.

The roads shown on the map fall into four categories of varying trustworthiness. In order of merit they might be arranged thus:

- (1) Roads surveyed by Warburton as attested by the individual surveys in the Lansdowne MSS.
- (2) Ogilby's roads, accepted by Warburton without being checked, though some were partially covered by his survey. Not as trustworthy in detail.
- (3) Incidental minor roads not actually surveyed, but sketched in either from personal knowledge or by report. They are not numerous, and some have only the fault of being too straight, but a few are suspect.
- (4) Roman roads. There was a genuine attempt to determine their courses, but they must be judged in the light of contemporary knowledge and the evidence is of varying value. The actual remains were both more abundant and more conspicuous than they are to-day, and one of the most valuable services Warburton rendered was his record of the Roman roads and his notes relating to them, some of which correct the course shown on the map. Practically this is the only section of his survey that has been critically examined by later investigators.

The only other comment that remains to be made upon the map is that the absence of a road proves nothing. There was no attempt to include all the roads, but only to select the through roads joining town to town. In some respects that is not even a drawback: it emphasises the main traffic routes—the very roads that were soon to be engulfed, snipped, abandoned, or diverted in the coming of the turnpikes.

It is the fate of maps, unless they are cased in the guise of bound books, to disappear; to be ousted from the library to the lumber room, and there to fall a prey to domestic zeal sooner or later.

Warburton's is no exception. The great libraries possess, at the most, one copy between them. None of the great houses in Yorkshire is known to possess one now, and it must have gone into all of them. The only traceable copy in Yorkshire is at the Public Reference Library in Bradford, and that is in excellent condition.

It is possible, by piecing together the fragmentary hints of the methods employed by Saxton, Ogilby, and Warburton, to obtain a clear idea of how they carried out their surveys. They all fall into the same class, and Warburton's map may be justly regarded as one of the best and latest products of this primitive school of cartography. Before the end of the eighteenth century methods of survey had been revolutionised by new inventions.

The only hint of the way Saxton set to work on his survey of the counties is contained in the royal licence granted to him by Queen Elizabeth (*Acts of the Privy Council, 1575-7*). He was "to be assisted in all places where he shall come for the view of such places to describe certain counties in cartes." Injunctions were sent out to, amongst others, "all justices of peace, mayors and others in Wales to see him conducted unto any toure, castle, highe place or hill, to view that countrey, and that he may be accompanied with ij or iij honest men, such as do best know the countrey."

The purpose of ascending a hill was to sight, or take the bearings of the visible landmarks, whilst the honest men who best knew the country supplied the names and the distances.

There can be no doubt that Saxton's sole instrument was the theodolite, in its primitive form. The name sounds a modern technical one, and the instrument as used to-day is one of precision. But the first theodolite had been devised, and the name coined by an Englishman, Digges, only three or four years before Saxton's survey was started.

It will be more intelligible if, in place of the inventor's description of the theodolite, the following (1701) is offered: "a whole Circle made of Brass containing 360 degrees, diagonally or otherwise divided, with an Index and sights moving on the Center, and a box and Needle in the middle."

The survey was therefore a magnetic one. Bearings were taken by sighting an object and reading the angle between its direction and the magnetic meridian (or the direction of the needle).

Ogilby's surveyors used exactly the same instrument to obtain the direction of a road from point to point, and to measure the distances they pushed a wheel along the road. This is partly revealed

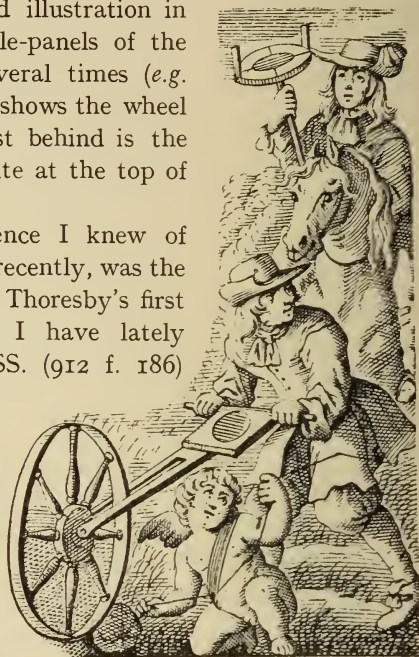
by the elaborate frontispiece of his *Britannia*, showing surveyors with their instruments at a table, and others setting out on the road, one riding on horseback and in front of him two pushing the wheel. But there is a more detailed illustration in one of the ornamental title-panels of the road maps. It is used several times (e.g. at the head of Plate 21) and shows the wheel pushed by one man, whilst behind is the horseman carrying a theodolite at the top of a stick support.

The only positive evidence I knew of Warburton's methods until recently, was the reference to the "wheel" in Thoresby's first letter, quoted above. But I have lately found in the Lansdowne MSS. (912 f. 186) Warburton's own description, written apparently for the instruction of his surveyors. This sets out fully and clearly the mechanism of the wheel, and supplies its more technical name, the way-wiser, which is simply the German "weg-weiser." It mentions the theodolite and the chain, probably used only for short measurements adjacent to the road, and then enters into a discussion of the mathematical aspect of "geodesy," sufficient in itself to refute the ill-natured criticism of Warburton, written by Pennant's correspondent.

"As it cannot be reasonably supposed [that] Persons who are ignorant of Goodesia, or Surveying of Land can be employed in a work of this Nature [I] shall not spend time in giving directions relating thereunto but proceed to the Meethod of Measureing and protracting Roads, Rivers, Streets &c. in order to the making more usefull account of Maps than are hitherto extant.

"The Instruments most proper for the performance of which are the Measuring Wheele or Way-wiser, the Thodelite and the Chain.

"The Wheele, which is made of well season'd Oak and shod with Iron to prevent it wearing is half a Pole, or eight feet three inches in Circumference and at the Center of it is an Axletree fixt into a Beam that is made hollow on one of the sides for a spindle to be



ROAD SURVEYORS IN 1675.
From the title-panel of Plate 21 in
Ogilby's *Britannia*.

lodged in, that is turned about by the Wheel motion. In this Stay or fitted the one into the other at the upper end of the said Beam is placed a Way-wiser—consisting of two brass Wheel, the one of 80 Teeth and the other of 81, which are turned about by a Worm fixed in the upper end of the said Spindle. The face of the Way-wiser is a Plate divided into 40 Poles by 10, 20, 30 &c., and moves about once in a Furlong. The lesser Plate which is divided into Miles and Furlongs moves the contrary way and makes its Revolution once in 20 Miles and is numbered 1, 2, 3 So that driving the Wheel before you You may at any time discover the number of Miles, Furlongs and Poles from your first setting out.

The Theodolite is an Instrument of universal use in Surveying, the more commodious for taking of Angles, Height and Distances than any Instrument whatever."

It only remains to give one or two samples of Warburton's surveys from the Lansdowne MSS. One of them must be the panoramic survey made from the tower of St. John's Church, Leeds, by Payler Smith, on October 14th, 1719, when Thoresby "durst only go as high as the bells," and left Payler Smith to mount the ladder alone, carrying his theodolite to take the bearings.

As these bearings were in relation to the magnetic meridian, which was then about fourteen degrees west of true north, a corresponding correction must be made to check the positions on the ordnance map. At that time readings were only taken up to 90 degrees, and were taken west of north or west of south, and east of them on the other half circle.

A "Tower Steeple" is Warburton's usual expression for a church tower, but this particular list of place-names is rather deficient in examples of names spelled as he heard them, which was his rule. "Gleada" for Gledhow is akin to "Greena" for Greenwood; but there is nothing to equal "Briggass" for Brighouse, "Twetell" for Whitwell, or "Eckenwick" for Heckmondwike.

Any hamlet or cluster of houses is called a "Town," abbreviated to T, whilst T.S. (once) is Tower Steeple.

The survey station is numbered 103 in the series, and places to the south of Leeds, spaced further, have a reference (omitted) to station 90 "Hunger Hill near Aldwalton," as being also visible from it. By obtaining their bearings from two stations their position could be fixed upon the map.

103 LEEDS NEW CHURCH TOWER STEEPLE October y^e 13 [14]
[1719]. [Lansd. 912, f. 240.]

The Old Church	SE	25½°	
The Cross	SW	1½°	
Middleton Wood	SW	12°	at 2¼ m.

A Wood called Beeston park	SW 16	at 2 m.
Beeston T.		SW 39
Churhill T. [Churwell]		SW 44
Farnley Wood		SW 65
Howbbeck T. [Holbeck]	SW 98 [?]	at 1 m.
Morley T.		SW 39
Farnley T.		West
Wortley T.		SW 81
Armley T.	NW 86	
Gildersome T.		SW 67
little Woodhouse	NW 62	
Great Woodhouse	NW 26½	
Scot Wood	North	at 1¼ m.
Woodhouse	NE 20	at 7 fur.
Potter Newton T.	NE 10	at 1¼ m.
Chappel Town T.	NE 18	at 1½ m.
Gleada T. [Gledhow]	NE 35	at 2½ m.
Gleada Wood	NE 42	at 2½ m.
Gipton Wood	NE 53	at 2¼ m.
Rounda T. [Roundhay]	NE 49	at 3½ m.
Cole Coats T. [Coldcote]	NE 79	at 2½ m.
Whit Church Ch. T.S. and T.	SE 76	
Hoton T. [Halton]	SE 74	at 2½ m.
Templenusum, L ^d Erwin	SE 61½	
Lenthorp Hall [Leventhorp]	SE 57	
Swillington T.	SE 54	
Nostrop T. [Knostrop]	SE 38	

The first portion of the old road from Leeds to Bradford will serve as an example of Warburton's road surveys. This is not difficult to follow in the succession of streets and roads beginning with Upperhead Row, that lead past the front of the Town Hall and through Burley into Kirkstall Lane, and there (at 17) turning sharply down to the Bridge.

At the Cross, his first station, the surveyor takes the bearing of the road he is about to travel, 12° east of north, and moves off along it for eleven poles only. Being about to change his direction he stops, reads the wheel, takes the bearings looking along Upperhead Row (64° west of north), and proceeds along it for 1 furlong 14 poles until, at station 3, the road bends a little more to the west, necessitating another reading. At this point he has also reached the town end, and before he reached it he has noted, at measured points, passing "out of ye Bar," and the road to Otley on the right.

Besides noting the roadside features as he goes along, such as the "Grey Stone" marking the boundary of the township, he takes bearings occasionally of more distant objects, a house, a church

tower, a village, and so obtains their position. The contractions are self-explanatory save T. for "Town" and B. for "bears." In this short extract "close" always means near at hand; elsewhere it is often to be understood as the opposite of "open."

THE ROAD BETWEEN LEEDS AND BRADFORD May ye 7th
[Lansd. 913, ff. 5, 6.]

Sta- tion.	Bearing.		Distances.					
			Progressive.			Point to Point.		
			m.	f.	p.	m.	f.	p.
1	NE 12°	from ye Cross						
2	NW 64°		0	0	11	0	0	11
		A Rd. on ye Rt. to Otley [Wood- house Lane]	0	0	37			
		out of ye Bar [Burley Bar]	0	1	3			
3	NW 69°	Leave ye town	0	1	25	0	1	14
4	NW 86°	2 or 3 houses on ye Lt. Little Woodhouse on ye Rt. 2 fur.	0	4	16	0	2	31
5	NW 64°		0	4	20			
		A house on ye Lt.	0	5	15	0	0	39
		Clees Well close on ye Rt.	0	5	32			
6	NW 39°	Spring Garden B. NW 84	0	6	16			
7	NW 31°	North hall on ye Lt. 15 poles North hall wood on ye Rt. 10 poles	0	6	32	0	1	17
8	NW 26		1	0	0	0	1	8
		Spring garden B. SW 28 [?] on this side ye River Air, close. Gyant Hill B. SW 71° on the other side ye River, close. Armley T.B. SW 76° Leave ye wood on ye Rt.	1	0	39	0	0	39
			1	1	17			
9	NW 39°	Gray (Allias giant) Stone on ye Rt.	1	2	10	0	1	11
		Gyant's Hill B. SW 15°	1	4	0			
		A Rd. on ye Lt. to Armley weh fords over Riv ^r Air	1	5	18			
10	NW 58	Armley T. B. SW 38°—ye Mills on ye Lt. 3 fur. on ye other side ye Riv ^r	1	5	35	0	3	25
		2 houses on ye Lt. and ye town of Burleigh close on ye Rt. and stretches on ye R ^t about 1½ fur.	1	6	10			
11	NW 25°	Descend a Hill	1	6	25	0	0	30
		at ye Bottom over a Rill. M ^r Walker's house B. NE 52°— Ascend again	1	6	25	0	0	30
		A house on ye Lt.	1	7	10			

Sta- tion.	Bearing.		Distances.					
			Progressive.			Point to Point.		
			m.	f.	p.	m.	f.	p.
12	NW 34°	top of ye hill	2	0	0	0	1	15
13	NW 24°		2	0	33	0	0	33
		A Rd. on ye Rt. to Hedingley	2	1	5			
14	NW 48°		2	2	23	0	1	30
15	NW 72°	The Iron Forge B. NW 74° [?] Begins to Descend Leisurely	2	4	23	0	2	0
16	NW 24°		2	5	7	0	0	24
17	West	ye Rd. Strait forward to Otley [Spen lane]— on ye Rt. [Kirkstall Lane] to York— Kirkstall Abbey B. NW 30°	2	6	0	0	0	33
18	NW 55	A house or 2 on both sides called Kirkstall—over a Branch of Air flu. which is cut from ye Riv ^r on this side ye Abbey for ye Mills—ye Corn mill on ye Rt. about ½ fur. on ye East side—ye fulling mill on ye L ^t on ye west side ½ a fur. over a Stone Bridge 1 Arch						
19	SW 78°		3	0	13	0	2	13
20	SW 15	Air makes a Bow East upwards	3	0	25	0	0	12
21	SW 85	Enter upon ye Bridge, and ye River turns to ye East downwds and meets ye Mill Goat at 2 fur.—Kirkstall Abbey B. NE 16° 15 poles on ye East of ye River						
22	SW 37	Over Kirkstall Bridge 3 Arches A House on ye Rt. and Left A Rd. on ye Lt. to Armley	3	1	7	0	0	22
			3	1	17			

An old Case for the Opinion of Counsel relating to the Property of the Thoresby and Briggs Families.

By G. GLOVER ALEXANDER, M.A., LL.M.

Among the papers of Ralph Thoresby is to be found the following curious and interesting Case for the Opinion of Counsel, which, it is thought, may be of interest not only to members of the Thoresby Society as relating to Ralph Thoresby and the property of the Thoresby and Briggs families, but also to a wider class of readers, as showing the state of one branch of our law of property towards the end of the seventeenth century and the way legal affairs were then managed. It is therefore published here with a few explanatory notes referring to the persons named and the matters dealt with in the case. It may be premised that the Abigail Thoresby, who married Benjamin Briggs, was the sister of Ralph Thoresby, and that Mr. John Thoresby was the father of both Ralph and Abigail.

The original MS. was sold to Thomas Wilson, of Leeds, school-master, by Ralph Thoresby's widow, and passed from the custody of his successors into the Leeds Grammar School Library, where it now is. It is bound up in a book along with several other documents, which Thoresby had collected and left behind at his death. It is a very formal document. The facts, questions, and answers are all set out in logical and precise order. The statement of facts and the questions are probably not in Thoresby's handwriting. A comparison of his undoubted writing with this document seems to show a marked difference, though both are in the somewhat similar handwriting of the period. These statements of the facts and questions are more probably in the handwriting of some attorney, or his clerk, whom Ralph Thoresby employed to draw up the case. Unfortunately the back sheet is missing, so that it is impossible to say who the attorney was, or what fee was paid to Counsel for such an opinion in those days—a fact which it would have been of interest to know. But the answers to the questions are all in Mr. Rokeby's handwriting. A comparison of his signature, with its

many flourishes, is sufficient to show this. In the document, as given below, his answers are printed in italics. He signs his name twice, once at the end of the second answer (which comes at the bottom of the first page), and again at the end. The other questions and answers are given on the back of the first page, so that the document consists of one sheet only. If there was another sheet it has decayed or been lost. He signs again at the end, after the eighth question. The date is the same in both cases. The absence of the back sheet is also disappointing on another point, viz. whether attorneys or solicitors had then established the privilege of approaching Counsel, or whether the lay client had the right of direct access.

THE CASE.

Mr T. Rokeby's opinion on Abigaill Briggs' interest under the Will of John Thoresby (original MS.).

Facts. Mr John Thoresby of Leeds by his last Will gives unto his daughter Abigaill £350, to be paid wⁿ she accomplisheth y^e age of 20 yeares, or at marriage, and appoints R. Th. executor, Anno 1677. 18 May 1685, Abigaill is marryed unto Benjamin Briggs. 16 May '85 Ral. Th. gives a note under his hand & seal to pay to y^e s^d Ben: Briggs £350 and took no discharge.

- i. Qu. How y^e s^d R. Th. as executor may be discharged y^e s^d B. Briggs being dead & Abigail Briggs about 18 yeares of age ?

A. I am informed that part of this mony was paid by Mr Ra: Thoresby to Benj: Briggs in his lifetime, & I conceive that if Mr Thoresby doth actually pay all y^e residue of y^e mony to Abigail y^e execut^x & take a receipt for it in full of her portion & of all other demands, & she deliver up Mr Thoresby's note to him & he cancell it, Mr Thoresby will by this be sufficiently discharged, though she be but 18 yeares of age.

Statem^t of Facts. 16 May 1685. A joynter deed was sealed to y^e use of Rand. Briggs dureing his natural life, & after to y^e s^d Ben: & Abigall & y^e survivor of them & to y^e heires of their 2 bodyes & for default of such Issue unto y^e right heir of Ben: Brigs with a special Proviso y^t if y^e s^d Ben. should dy before y^e s^d Abigal & y^e s^d Rand. survive y^t y^e life estate of the s^d Rand. shall imediatly determine & y^e s^d be to y^e use of y^e s^d Ab. dureing her life & after her decease to y^e uses afores^d.

Note y^t notwithstanding y^e s^d Rand. & Ben: Briggs covenant in y^e s^d deed y^t they stood lawfully seized &c. yet part of y^e premises was before y^t time sold by y^e s^d R. & B. or one of them, w^{ch} as is s^d is since y^e death of Benj. bought again. Yet since this in discourse y^e s^d Rand. has affirmed it is in his power to hinder the s^d Ab. of y^e Joynter. In Sept. 1685 y^e s^d Ben. Briggs dyed, left his widdow with child w^{ch} child dyed in July 1686.

2. Qu. The Lands &c. being in y^e possession of Rand. & his Tenants & so continuing whether the s^d Ab. have not a right thereto by vertue of y^e s^d Joynter & w^{ch} way she must take to get possession ?

A. I have seen y^e Lease & release by w^{ch} y^e jointure is made, & if either of y^e Briggess's Randall or Benjamin were then seized in fee in possession I conceive that Abigail hath a good right to hold those lands for her life, as ten^t in taile after possibility of Issue extent, & if she be denied y^e possession of them she may recover it in an Ejectm^t.

T. Rokeby. 23 Aug. 86:

Facts. 16 May 1685 By a writing under y^e hand & seal of Ben: Briggs, it is declared y^t Rand: Briggs did by note under his hand & seal acknowledge to pay £50 to Ben. within 6 months after his marriage with Ab. & y^e s^d Ben. did bind him, his executors &c. in an hundred pounds to purchase Lands to the s^d value & settle the same to y^e uses mentioned in the Joynter Deed.

Note y^e s^d Benj. did declare upon his deathbed y^t y^e s^d £50 was never p^d to him yet y^e s^d Rand. produced y^e Bill cancelled.

3. Qu. What y^e s^d Abigal as Administrator to Ben. shall do ab^t y^e s^d fifty pounds ?

4. Qu. Whether this Hundred pounds shall be accounted as Chattels of y^e s^d Ben. no lands being purchased & if it be not Chatels, how y^e s^d Ab. shall have y^e profits thereof ?

A. Abigail may exhibit her bill in equity ag^t Rand: to discover whether y^e 50^l be paid or noe, & if it be not paid she may recover it in equity, this 100^l is y^e chattells of Ben: & y^e profit of it may be retained by Abigail as execⁱx to her husband.

Facts. Sept. 1685 Ben. Briggs dyeth & by his last Will declares to be owing to Fra: Ingle £70, to Rand. Briggs £47, y^e rest of his Estate he gives to his wife Abig: whom he appoints sole executrix.

5. Qu. Whether this gift to Abigal be good or not, she being with child at her husband's death ?

A. The gift is good to Abigail notwithstanding she was wth child att her husband's death & y^e child could not come in for any share of her father's p[']sonall estate by y^e Custome of y^e province of York she being heire to her father.

Facts. Mar. 1686 Abigal was delivered of a daughter w^{ch} daughter dyed July after.

6. Qu. Who has right of Administration to y^e daughters goods ?

7. Qu. In case there be any chattels who y^e same belongs unto ?

A. The right of Administration to y^e daughter belongs of right to y^e mother & if she had any chattells (w^{ch} I know not that she had) they belong to y^e mother as administratrix, if she take letters of administration.

Facts. Things are now under Reference.

8. Qu. If we agree to give them in their Joynter deed or make an end, whether her consent (being not at age) be binding, or if she marry before she come at age her husband may not fly from it ?

A. I conceive that her consent in this case is not binding but she may avoid it, or her husband may avoid it if she marry under age.

T. Rokeby
23 Aug: 86

[1686]

NOTES.

First, as to the barrister to whom the Case was submitted and by whom the Opinion was given. He was (it is almost certain) Mr. Thomas Rokeby, of the ancient and honourable Yorkshire house of Rokeby, "illustrious both in council and camp"; a family distinguished by many legal honours. He was the son of Thomas Rokeby, of Barnby Dun, near Doncaster (who was killed at the battle of Dunbar, in 1650), and was born about 1632, and educated at Catharine Hall (now St. Catharine's College), Cambridge, where he took his B.A. degree in 1650, and shortly afterwards became a Fellow of his college. He was called to the bar at Gray's Inn in June, 1657, and became an "ancient" of that Inn in 1676. He appears to have been in some way connected with Cromwell, and it is said of him that "when not engaged in term he took up his residence at York, and engrossed much of the practice of that and the neighbouring counties, being the chief adviser of the Puritans of the North" (Foss, *Judges of England*). He was consulted by most of the county families and lesser gentry, and what more probable than that he should be consulted by Thoresby (who, although a churchman, had nonconformist leanings) during one of his periodical visits to York? Mr. Thomas Rokeby had much to do with the formation of the movement at York in favour of the Prince of Orange (William III), and soon after his accession to the throne in 1688 Mr. Rokeby was appointed a Judge of the Court of Common Pleas and knighted. He was made a serjeant-at-law four days before he became a judge, and his serjeant's ring bore the appropriate motto, obviously referring to William III, *veniundo restituit rem*. In 1695 he was transferred to the King's Bench, of which Court he remained a judge until his death in 1699. He was buried at Sandall (Kirk Sandall), near Doncaster, where there is an elaborate monument to his memory in the chapel of the Rokeby family. He was a man of high principles and character and an upright judge. He married Ursula, daughter of James Danby, of New Building, near Thirsk, but left no issue. He left a *Diary* and a considerable amount of correspondence, which have come down to us. A *Memoir* of him was published in the Surtees Society's publication (vol. xxxvii) for 1860. See also *D.N.B.*

Then as to the Case itself: the facts are set out very clearly and need no explanation. But the following comments on the legal points involved appear to arise out of the answers to the questions.

As to *question 1*: It seems that Abigail Briggs was the Executrix of her husband's Will,¹ and the point in question was whether she, being a widow and only eighteen years of age, could give a good receipt and discharge for the £350. Mr. Rokeby was of opinion that she could, and it appears that he was right as the law then stood. The question of the capacity of persons to do certain acts, at various ages, in English law is an interesting one, but it cannot be pursued here further than is necessary for our purpose. In *Tomlin's Law Dictionary* (1820) it is stated, sub. tit. Infant:

"A Female also, at *seven* years of age, may be betrothed or given in marriage; at *nine* is entitled to dower²; at *twelve* is at years of maturity, and therefore may consent or disagree to marriage, and if proved to have sufficient discretion, may bequeath her personal estate; at *fourteen* is at years of legal discretion, and may choose a guardian; at *seventeen* may be executrix; and at *twenty-one* may dispose of herself and her lands; so that full age in male or female is twenty-one years." Thus at that time Abigail, being eighteen years of age, could act as executrix and give a good discharge.

The law on this point has been completely changed since 1686. Sect. 7 of the Wills Act, 1837, provides: "That no Will made by any Person under the age of Twenty-one Years shall be valid." But sect. 11 of the same Act contains a proviso to the effect that soldiers and mariners on active service may still make nuncupative Wills although under the age of twenty-one. By sect. 20 of the Administration of Estates Act, 1925, it is provided that an infant cannot act as executor during his (or her) infancy.

¹ All that we know of her first husband is that he was Mr. Benjamin Briggs, of "Bridgate," Leeds, a goldsmith. Thoresby describes him as "a lovely, modest, and sweet-humoured gentleman" (see Thoresby Soc. pub., xxi, 132.). They were married in May, 1685, and her husband died the following September.

² See Co. Litt. sub. lit. *Dower*, § 36: "for she must be above nine years old at the time of the decease of her husband, otherwise she shall not be endowed." (As to Dower, see below.)

This statement points to the fact of very early marriages in feudal times, but it is not to be supposed that the parties lived together as man and wife at such early ages. Of this there is no proof. What it really refers to is the feudal incidents of wardship and marriage. A feudal overlord had the right of disposing in marriage of a female orphan to the highest bidder, and it was a valuable right (*valor maritagii*). The earlier the age at which such a marriage took place the better it was for the lord and the husband, since the lord received a higher price and the husband derived the greater profit, as he was entitled to enjoy his wife's estate until she came of full age without being accountable for the profits.

By the way, the sum of £350 does not seem a large portion for a prosperous merchant to give to his daughter, but it probably represented in value at that time three or four times as much as it does now.

As to *question 2*: A jointure was a means by which Dower could be prevented attaching to land. Jointure was defined in *Vernon's Case* (1573), Co. Litt. 36 b, as a "competent livelihood of freehold for the wife of lands or tenements, etc., to take effect presently in possession or profit after the decease of the husband, for the life of the wife at least, if she be not the cause of determination or forfeiture of it." Dower is an old Common Law right of the wife to the enjoyment of one-third of all lands and houses of which her husband was solely seised, *i.e.* possessed as a freehold of inheritance at any time during the coverture (marriage) after the husband's death, for her life, if she survive him.¹ It was a means, and in its day a very proper means, of making provision for a widow, at a time when wills of land were not permitted. But in course of time it became a very awkward, burdensome, and oppressive incident of real property. When land was purchased the purchaser could never be quite sure that at some future time the widow of a man who had once owned the land purchased might not come forward and claim dower out of it. To prevent this troublesome right arising various expedients were adopted by conveyancers. The commonest was that of Uses to bar dower, which were very complicated and technical. Another means adopted was to give the wife a "jointure" in lieu of dower, which was the course adopted here. At Common Law the right to dower could not be released. But by the famous Statute of Uses of Henry VIII (sect. 6) it was provided that women having an estate in jointure with their husbands, given before marriage, should not be entitled to dower. If, however, the jointure was given after marriage, on the death of the husband the widow might elect between the jointure and dower, and choose whichever was the more advantageous. By the Dower Act of 1833 the whole subject of dower was put on a more rational footing, and it was finally abolished by sect. 45 of the Administration of Estates Act, 1925. The place of a jointure has now been taken by a jointure rent charge, of fixed amount, which the husband has power to appoint to his wife.

¹ When a landowner died his widow had the privilege of remaining in his capital mansion-house for a period of forty days (hence the term quarantine), during which time her dower was to be assigned to her (see Magna Carta, C. 7). She then usually retired to the Dower house, if there was one on the estate.

Here a jointure deed had been executed in favour of Abigail Briggs; but on the death of her husband his father seems to have raised technical difficulties against her taking possession of the land charged with the jointure, and the question put to counsel was as to the proper means by which she could obtain possession of the land.

In the public mind there is considerable confusion between dower and dowry. Dowry is what is given to a woman, usually by her father, on her marriage. Dower is the right which the widow had (before 1926) at Common Law in the land of her husband, and only arises on his death. Thus the £350 given to Abigail Thoresby by her father was a dowry. What she claimed out of the land of her husband was a jointure in lieu of dower.

Mr. Rokeby said: "I have seen the *Lease and Release* by which the jointure is made." A Lease and Release, as every law student knows, was the common form of conveyance of land from the reign of Henry VIII down to the year 1845. It was really a device for evading the Statute of Uses and Statute of Enrolments.

Tenant in tail after possibility of issue extinct.—This arises out of a tenancy in tail special, *i.e.* where a man (or his wife) is tenant in tail with a special remainder to the issue of that particular marriage. It is obvious that if either of the spouses die before issue born, there can be no issue of the marriage, in other words, the possibility of issue is extinct. The peculiarity of such a form of entail is that though the survivor remains tenant in tail for his or her life, he or she cannot bar the entail, and so convert themselves into tenants in fee simple. They must remain tenants for life. This was the case here.

Action of Ejectment.—The chief point of the second question was, how the widow could obtain possession of the land comprised in the jointure deed, and Mr. Rokeby's answer is, by an action of ejectment. This was the common form of action for the purpose of trying the title to land from the reign of Henry VII down to the year 1852. It depended upon a "string of legal fictions," a fictitious plaintiff, a fictitious defendant, a fictitious lease, a fictitious entry, and a fictitious ouster or dispossession, which the true defendant was called on to admit as a condition of defending. The form of the action was: *Doe*, upon the demise of A.B. (the real claimant) against *Roe* (the casual ejector) for whom the person in possession was substituted. The place of this action has now been taken by an ordinary action for the recovery of land. Those who wish to

pursue the history of this cumbersome and absurd form of action may do so in the pages of Blackstone's *Commentaries*, Book III, Ch. II, and Holdsworth's *History of English Law* (9 vols.), particularly in vol. vii. A popular description of the action as it existed in the early part of the nineteenth century is given in Samuel Warren's *Ten Thousand a Year*, a Yorkshire story, once widely read. Yet it must be admitted that the action marks a stage in the history of legal procedure, and fills up a gap between the old real and possessory actions of feudal times and the simplified modern legal procedure.

Questions 3 and 4.—Here we have a good example or illustration of the beneficial effect of the old Court of Chancery in operation. At Common Law there was no means of compelling discovery and ascertaining the true facts of a transaction. But the Court of Chancery, administering equity and doing justice when the Common Law had failed to do so, by means of the writ of *subpoena*,¹ and in case of non-appearance by attachment, *i.e.* arrest and imprisonment, could and would extort the truth from the parties. This dual system of law, Common Law and Equity, existed side by side for several centuries; the reasons for it are to be found in our history. The two systems were merged or fused by the Judicature Act, 1873 and 1875. In *Bleak House* Charles Dickens gives a very unfavourable and unfair description of the work of the Court of Chancery, which, to its credit be it said, always protected married women, widows, orphans, and lunatics.

The Case also states that a Bond (under seal) had been given by Randolph Briggs (the father-in-law) for £50, conditioned in £100 to secure payment. By some means or other he had afterwards obtained possession of this Bond, cancelled, presumably from his son, who, on his deathbed had declared that he had never received the money. Here again we see the beneficent action of Equity, *i.e.* the system of law or justice administered by the Court of Chancery. At Common Law the production of the Bond, cancelled, would have operated as an estoppel, and the money could not have been recovered. But if the Court of Chancery was satisfied as a matter of fact that the £50 had never been paid, it would compel payment notwithstanding the cancellation of the Bond. It is doubtful, however, whether it would have enforced payment of the full sum of £100, the condition of the Bond; certainly at a later day it would

¹ "The Subpoena is the leading process in the Courts of Equity" (*Tomlin's Law Dictionary*, 1820).

have regarded the second £50 as a penalty and declined to enforce it.

Question 5.—Incidentally this question shows a curious habit of reciting debts, which is to be found in many old wills. The answer turns on the *Custom of the Province of York*. Down to the establishment of the Court of Probate (now merged in the High Court of Justice) in 1857, wills of personalty were subject to the jurisdiction of the Ecclesiastical Courts; and few lawyers are aware how large a part the custom here referred to, before it was abolished, played in regard to wills and intestacies in the north of England. An account of this Custom may be read in the pages of Blackstone's *Commentaries*, Book II, Ch. 32. A fuller and better account of it is to be found in vol. 19 of the Thoresby Society's publications (1913), entitled *Testamenta Leodensia*, and edited by Mr. G. D. Lumb, F.S.A. The Custom itself is set out in full in an Appendix to that volume at p. 351. According to this Custom, before the passing of the Statute 4 & 5 Wm. & Mary, ch. 2 (1692) (explained by 2 & 3 Anne, ch. 5), in the Province of York, a testator leaving a wife and children, could not by his will deprive his wife (widow) of one-third part of his personal estate, or his children of another third part, which were termed their reasonable parts (*partes rationabiles*). These were called respectively the "wife's part" and the "bairns' part." He could dispose by his will only of the remaining third part, which was generally referred to in his will as "my part," or sometimes as the "death's part" As to this third portion, or "dead man's part," the administrator was wont to apply it to his own use, until the Statute 1 James II, ch. 17, declared that it should be subject to the Statute of Distributions (1670). It is also to be observed that if the wife was provided for by a jointure, created before marriage, in bar of her customary part, it put her in a state of nonentity with regard to the customary part; but she was still entitled to her share of the dead man's part under the Statute of Distributions unless barred by special agreement.¹ The analogy between this rule of the Custom and the provisions of the Statute of Uses as to the effect of jointure in regard to dower will be noted.

By Sect. 2 of the Statute of Distributions (1670) the Customs of London and York were saved or exempted from the operation of that Statute, and it was not until 1857 (19 & 20 Vict., ch. 94) that that section (therein referred to as s. 4) was repealed. But after the passing of the Statute 2 & 3 Anne, ch. 5 (1704)—if not after

¹ See *Tomlin's Law Dictionary*, sub *Executors*, v. 9.

4 & 5 Wm. & Mary, ch. 2 (1692)—the inhabitants of the Province of York could dispose by Will of the whole of their personal estate notwithstanding the Custom, which thereafter applied only to intestacies.

Another rule of the Custom was: "The Heire at Law has no share by virtue of the Custom, but has a share of that part of the Estate of his Father, dying intestate, called the Death's part, according to the said statute," *i.e.* the Statute of Distributions. It was apparently in reference to this rule that Mr. Rokeby advised that the child took nothing, as it was the heiress of its father, and that the mother, Abigail, took the whole of the personal estate of her husband under his Will.

The child was what is known in English Law as a posthumous child, *i.e.* was born after the death (*posthumus*) of its father. For many purposes, but not all, such a child is regarded as already born. Generally in regard to matters of property a posthumous child is treated as living at its father's death, if it is for its benefit that it should be so treated, on the principle expressed by the maxims: *Fictione juris nativitas retrotrahitur*, and *Posthumus pro nato habetur*. But to that rule there are some exceptions, and one of them was to be found here, under the Custom of the Province of York, *viz.* if the child happened to be the heir-at-law of its deceased father, it took no part of his personal estate, the reason apparently being that it succeeded to his lands.

Questions 6 and 7.—The question of the rights of the posthumous child crops up here again. It is not quite clear what is the meaning of the sentence: "Things are now under Reference," unless it means that negotiations were proceeding for a settlement of the dispute.

Question 8.—"If we agree to give them *in* their Joynter deed or make an end." Apparently this means, in modern phraseology, to give *up* the jointure deed, and looks, as said above, as if a settlement were pending. The question raises again the subject of legal age; and in this case, as the matter related to land, Mr. Rokeby was of opinion that Abigail could not perform an act that would be binding until she was twenty-one.

* * * *

The Case as a whole affords a good average example of the arrangements made by middle-class families in the North of England in regard to their property towards the end of the seventeenth century.

As to the chief party interested, Abigail Thoresby (or Briggs), but little is known of her subsequent history. Presumably she recovered her jointure or came to a satisfactory settlement with the Briggs' family, as she married again, her second husband being the Rev. Richard Idle, then vicar of Rothwell and afterwards rector of South Dalton. Her second marriage does not appear to have been much happier than her first, as we are told of her second husband that he was generally in a "condition of impecuniosity," and was a source of considerable trouble and loss to Ralph Thoresby. All, therefore, that we can say of Abigail is that she was the sister of Ralph Thoresby, and this constitutes her only claim to note. She ceases to be one of the "rich and well bespoke," and becomes one of the "mere uncounted folk,"

"Of whose life and death is none
Report or lamentation."

Ralph Thoresby himself deserves praise for his anxiety to do what was right, as executor of his father's Will, and his invariable kindness to his sister and her husband.

But the Case itself is of greater importance than the parties concerned in it. Its chief interest and importance lie in its reference to this Custom. It is perhaps one of the oldest cases for the opinion of counsel now in existence, and exhibits very clearly the working of one branch of our property law, at a time when the *Custom of the Province of York* was an important factor in the law of property in the north of England, viz. sixteen years after the passing of the Statute of Distributions (1671), and six years before the passing of the Statute 4 & 5 Wm. & Mary, ch. 2 (1692), when this Custom was in full force and effect—and in the north of England a man had not full power of disposition by will over his personal estate, but over only one-third part of it. It shows the state of our law of property in regard to wills and intestacies about seventy years before Blackstone wrote his famous *Commentaries*, and at a time about midway between the great changes in our law made in the reigns of Henry VIII and William IV. It goes even further than that, for it shows what an important factor custom has been in the formation of our law of property and as one of its sources.

* * * * *

Such documents as this old case for opinion are not mere curiosities for antiquaries, nor mere legal puzzles for law students. They are full of old bygone law, it is true, but they are serious and sober

contributions to our social and economic history. They show the gradual development of our law through the habits and customs of the people themselves until such habits and customs were adopted and regulated by Parliament, after it became a legislative and unifying body. This process has gone on until our own day, and the recent property legislation is said to have swept away upwards of one hundred special or local customs relating to property, including not only Borough English and Gavelkind, but also the tenure of copyhold.

G.G.A.

The Custom of the Province of York.

(A CHAPTER IN THE HISTORY OF WILLS AND INTESTACIES).

By G. GLOVER ALEXANDER, M.A., LL.M.

In the previous paper entitled *An Old Case for the Opinion of Counsel*, which may serve as an introduction to this paper, the Custom of the Province of York was more than once referred to and some account of it was given. It is thought, however, that the importance of the subject deserves a fuller statement and discussion. Few people, even lawyers, are aware of the difference in the law which prevailed between the north and south of England before 1692 in regard to wills of personal or movable property, and in regard to the distribution of the estates of intestates, and down to 1857 (the year of the Indian Mutiny) in regard to the latter. The law which prevailed in the north was known as the Custom of the Province of York.

It is not easy to trace the origin and growth of a custom or institution in early times when records are scanty or altogether wanting. Down to a certain point it must always be more or less a matter of conjecture and speculation, but after that point is reached historical investigation can do much. The early history of wills and intestate succession is obscure; but of one thing we may be certain, viz. that succession as the result of custom or law precedes the power of testamentary disposition.

The full history of the growth of private property and the power to dispose of it by will, as well as the history of intestate succession, has yet to be written. According to Sir Henry Maine (*Ancient Law*, ch. vi) wills were spread throughout Europe principally by the agency of the Church, because of the familiarity of the clergy with the Canon and Roman law, and perhaps also because the Church benefited largely by means of them. So far as England is concerned the work has been done as well and accurately as it probably ever will be, by Pollock and Maitland in their monumental *History of English Law* (before the time of Edward I), hereinafter referred to as P. & M. According to this learned authority, "Nothing is plainer than that the so-called Anglo-Saxon will is not the Roman testament"; and again: "The Anglo-Saxon will or *cwithe* as it calls itself, seems to have grown upon English soil,

and the Roman testament has had little to do with its development" (vol. ii, p. 317).

The mediæval Common Law, while zealously preserving its jurisdiction over real property (land), left the jurisdiction over personal property to a large extent to the Church. Hence the fact that in England wills and the distribution of personal property were subject to the jurisdiction of the ecclesiastical courts down to 1857; and it is very probable that the so-called Custom of the Province of York, if it did not owe its origin to the Church, at least grew up under its fostering care or aegis. In the clash in very early times between the claims of the lord, the wife and children, and the Church,¹ to the goods and chattels of a deceased man, it seems not an unfair or unreasonable compromise that they should be divided into three equal parts, one of which in the first instance went to the lord, one to the wife and children, and one to the Church. The claim of the lord seems soon to have sunk into the *heriot*, which was based on the fact that the lord sometimes supplied his dependant or tenant not only with the weapons of war, but also with agricultural implements and stock. This seems to be the origin of the *heriot*, which became simply a right to the best horse, beast, or other chattel on the premises at the tenant's death. The reduction of the lord's claim merely to the *heriot* left two-thirds for the wife and children, one of which we may assume was appropriated to each, and thus we get the *partes rationabiles*, the "wife's part," and "the bairns' part." There is no evidence that the Church, which seems to have intervened rather as a mediator in the interests of peace, ever claimed the whole of the remaining third part for itself. All it seems to have claimed was the right to administer this part, out of which it was supposed to pay the debts of the deceased man (which were then, as a rule, very small), to pay for masses for the repose of his soul, and to devote the residue (if any) to charity, in accordance with the last spoken words (*verba novissima*) of the deceased. If there was anything left, after all these matters had been attended to (the wife and children being already provided for by their thirds), it was not unreasonable that it should go to the Church as a reward for its services as mediator and administrator. Thus it came about that when the power of making a will disposing of his personal property was acquired it extended at first only to that remaining

¹ As to the claim of the lord, see Glanvill, vii, 16; as to the claim of the wife, children, and relations, see Canute's *Secular Dooms*, c. 70; the Charter of Henry I (1100), c. 7; and Magna Carta (1215), c. 26. As to the claims of the Church, see Magna Carta (1215), c. 27.

third part, the "dead man's part," which had at first fallen into the hands of the Church, and over which the Church had exercised for the time being a temporary jurisdiction.

At a later date a rule arose that if there was no child the wife's share should be increased to one-half of her deceased husband's chattels¹; and, conversely, if there was no widow, the children should take half, and half should pass under the dead man's will (Glanville, vii, 5; and Hale, *Hist. Com. Law*, p. 313).

Around these elementary rules all the elaborate rules of division which subsequently formed the Custom of the Province of York sprang up and clustered. In the course of time the right of the wife and children hardened into law; and when the right to make a will was acquired, it operated at first only over the remaining third part. It is agreed that the right to make a will disposing of the whole of a man's personal property (subject, of course, to payment of his debts) was acquired in the south of England, *i.e.* in the Province of Canterbury, about the thirteenth century; but, so far as the north, *i.e.* the Province of York, was concerned, this right did not extend to the whole of a man's property until the year 1692. Until then, in the northern province, a man could dispose by his will of only one-third of his personal property, and the right of his wife and children to the other two-thirds remained unimpaired, will or no will. Even after 1692, until 1857, when the new Court of Probate was established, in case of intestacy, in the north, it was only this third part, the "dead man's part," that was distributed in accordance with the Statute of Distributions. It was this restriction on testamentary power, the fact that two-thirds *must* go to the widow and children,² and the limitation of the application of the Statute of Distributions to this third part only, in case of intestacy, that constituted the so-called Custom of the Province of York. It is a striking example of the binding force of custom in the hands of the people themselves as distinct from legislation, and in the following pages an attempt will be made to trace its rise and fall.

* * * *

There is a curious and interesting story to be found in Bede's *Ecclesiastical History* (lib. v, cap. 12), which shows that in his day,

¹ *Catalla*. The personal property of an early agricultural community would consist chiefly of cattle; hence this term (chattels) became in English Law the generic name for personal property.

² Compare the *legitima portio* of Roman Law and the *legitim* of English Law in the twelfth and thirteenth centuries (P. & M., ii, 349).

in the early part of the eighth century, this division of a man's substance into three parts was even then not unknown. "It is a remarkable coincidence that this tale should be told of a Northumbrian, for in after days it was in Scotland and the northern shires of England that the custom which secured an aliquot share to the wife, an aliquot share to the children, and left the dying man free to dispose of the residue of his goods struck its deepest roots" (P. & M., *Hist. of Eng. Law*, ii, 314). It must not be forgotten that the old Anglo-Saxon kingdom of Northumbria extended from the Humber to the Firth of Forth, and included a considerable part of what we now call Scotland. Again, a law of the Danish king, Canute (*Secular Dooms*, cap. 71), early in the eleventh century, recognises that the property of an intestate should be distributed very justly (*justissime*) amongst his wife, children, and relations, according to the direction of his lord, after providing for the lord's lawful heriot.¹

If any weight is to be attached to these two authorities the custom of tri-partite division was of Saxon or Danish origin. Brunner, the great German scholar, however, thinks it "came to us from Normandy." As to this P. & M. (ii, 349) say: "We have seen no proof that it ever prevailed in Normandy."

It is sometimes said that wills, both of real and personal property, were well known to the Anglo-Saxons, and, indeed, quite common amongst them; but this statement must be received with considerable caution. Most of the known wills are the wills of great people, magnates, kings, bishops, earls, and thegns, and partake of the nature of legislative acts, being sometimes made with the consent of the Witan, or they were in the nature of post-obit transactions or family settlements, the property being conveyed during the testator's lifetime to some trusty friend or friends who could be relied on to carry out his wishes after his death.

We are not here dealing with the history of wills of land, which, after the Norman Conquest took a different course from wills of

¹ The word "intestate" is used in Stubbs' *Select Charters*, p. 74, in giving the translation of this law; but it is well not to press it too far. It implies that it was possible for a man to die "testate"; it predicates the power to make a will. The Anglo-Saxon word for a will (as stated above) was *cwithe*, from *cwithan*, to speak or to say. Hence *quotha* (=say I, or says he) and *bequeath*. *Cwithe* is therefore equivalent to *dictum*, a saying or declaration, not to *testamentum*. It must not be supposed that the Anglo-Saxon will was by any means the same thing as a modern will. It was in its earliest stages simply a spoken declaration of a man's last wish and intention, in fact his last words (*verba novissima*).

personalty. The latter, so far as they were wills in the true sense of the term, as we now understand it, developed along their own lines under the influence of the church and local customs. Some time after the Norman Conquest wills of land (such as they were before that event) disappeared from English law for a period of nearly five hundred years—until the great Statute of Wills in 1540—except in a few places, *e.g.* the City of London, where they were allowed by special custom. The reason for this disappearance is that they were obviously inconsistent with the policy of the feudal system, which aimed at a series of life estates, based on the rule of primogeniture.

Wills of personal property (such as they were), however, remained fairly common even after the Norman Conquest; and by the end of the thirteenth century (the most fateful century in the history of English law) they seem to have approximated to the modern will. It follows that after the power to make a will was established and well recognised, the possibility of dying intestate was also recognised, and rules were formed to provide for such a contingency. It came to be recognised that it was the duty of every man, who had anything to leave, to make a will, and it was thought somewhat disgraceful not to do so. “During the two centuries which followed the Norman Conquest” (say P. & M., ii, 356) “an intense and holy horror of intestacy took possession of men’s minds.”

Magna Carta (1215) (of which Bishop Stubbs says: “The whole of the constitutional history of England is a commentary on this charter”; and the same remark is true of the legal history of England in a scarcely less degree), c. 26, after making provision for Crown debts, declares: *And let the residue be left to his executors to carry out the will of the deceased; and, if nothing is owing to us by him, let all his chattels be given up to the deceased, saving to his wife and children their reasonable parts.*¹

Here we have several of the constituents of a modern will. The word *testamentum* is used, also the words “residue” and “executors,” and provision is made for the payment of Crown debts; but the “reasonable parts” of the widow and children are also recognised, and the full will, as we know it, has not yet come into existence.

The same great Charter also provides (c. 27): *If any Freeman shall have died intestate, his chattels shall be distributed by the hands*

¹ Et residuum relinquatur executoribus, ad faciendum testamentum defuncti; et, si nihil nobis debeatur ab ipso, omnia catalla cedant defuncto, salvis uxori ipsius et pueris rationabilibus partibus suis. M.C. c. 26.

of his near relations and friends, under the supervision of the church, saving only the debts which the deceased man owed to anyone.¹

The expression *per visum ecclesiae* is significant, as well as the words *per manus propinquorum et amicorum suorum*. No longer were the goods and chattels of the deceased man to be administered by the hands of the church, but by the hands of the deceased man's near relations and friends, and the church was merely to have supervision—"And who" (say P. & M., ii, 357) "so fit to decide what can be done as the bishop of the diocese?" It may here be explained that the bishop of the diocese was, by himself, or his deputy, the Ordinary (*judex ordinarius*) in the ecclesiastical courts which were set up after the Norman Conquest as the result of a long and fierce struggle between the Crown and the Church. It will be noticed that nothing is said in Magna Carta about the custom of the Province of York, which, apparently at that time had not yet been differentiated from the general law.

Magna Carta appears to be one of the earliest documents in which "executors" are mentioned.² The term was probably derived from French law. The first executors seem to have been trustees of personal property rather than personal representatives of the deceased and liable to pay his debts. "The church developed this rude institution" (P. & M., ii, 335). At one time it was held that a will of personalty was not valid unless it contained an appointment of executor, but this rule has long been obsolete. In many early wills an overseer (*supervisor*) was also appointed, apparently to see that the executor did his duty.

This Great Charter, though in form a treaty between the King and the Barons (*ex parte nostrâ quam ex parte baronum*), had in fact all the force of a statute.

Neither Glanvill nor Bracton, the two great writers on mediaeval English law, specifically mentions the Custom of the Province of York, because at the times when they wrote the tri-partite division was not a custom at all but the general law of the land. The former wrote in the reign of Henry II, and the latter in the reign of Henry III; the former before Magna Carta, the latter after. Glanvill was Sheriff of Yorkshire for some years, and would have been almost

¹ Si aliquis liber homo intestatus decesserit, catalla sua per manus propinquorum parentum et amicorum suorum, per visum ecclesiae distribuuntur, salvis unicuique debitis quae defunctus ei debebat. M.C. c. 27.

² But Glanvill (vii, 6) (*temp.* Henry I) had previously mentioned executors and stated that they ought to be those whom the testator had chosen for the purpose (*ad hoc*).

certain to know of and to mention such a custom if it had existed as a special custom in his day. Both Glanvill and Bracton agree that it is the heir-at-law, who succeeds to the land of the deceased man, and not his executors, who is liable to pay the dead man's debts, and is the proper party to be sued for them. We may therefore conclude that when Glanvill and Bracton wrote the modern will had not been completely evolved.

Both Glanvill and Bracton fully recognise the tri-partite division of movables, but Glanvill says (vii, 5) that one of the three parts goes, not to the children, but to the heir-at-law (*tunc omnes res ejus mobiles in tres partes dividuntur æquales ; quarum una debetur hæredi, secunda uxori, tertia vero ipsi reservatur ; de quâ tertiâ liberam habebit disponendi facultatem*). This statement is not consistent with the other authorities and raises a difficulty. On this point P. & M. observe (ii, 350): "We notice that one share is reserved, not to the children, but to the heir. This we take to be a relic of the law as it stood before primogeniture had assumed its acute English form." May it not also mark one of the final stages before the obligation of paying the debts of the deceased was transferred from the heir-at-law to the recently introduced executor ?

Bracton, however, is quite clear on this point (see bk. ii, cap. 26, fo. 60 b). He says distinctly that one of the third parts goes to the children (*pueris or liberis*). And Fleta (written *circa temp.* Edw. I) confirms Bracton in almost the same words.

Glanvill also says (vii, 8): *But if, after settlement with his debtors, there shall be any residue, then indeed let that residue be divided into three parts in the manner aforesaid, and of a third part, his own as it is called, let him make a will.*¹ This is a clear recognition of the tri-partite division, as it existed in Glanvill's day, and the right of the deceased man to dispose by will of his own third part and that part only.

* * * *

By the end of the thirteenth century (which is the most difficult and important century in the history of English law, and the century about which we know least) it is generally agreed that wills of land had ceased to be made and had been superseded by the feudal rules of descent ; while on the other hand wills of personalty, substantially in the modern form, had come into existence ; and

¹ Verum si post debitorum acquietationem aliquid residuum fuerit, tunc id quidem in tres partes devidetur modo prædicto, et de tertia parte suum, ut dictum est, faciat testamentum (Glanvill, vii, 8).

the duty of paying the deceased man's debts had been transferred from the heir-at-law to the executors of the deceased man's will. How this great change came about it is impossible to say, until we know more of the legal history of the thirteenth century. All we can do at present is to make general observations. It was the policy of the Common Law and of the feudal system, which was then at its height, to exalt the position of the heir-at-law and exempt him from the payment of obligations not connected with the land. It was the policy of the Church to try and acquire jurisdiction over wills of personalty; and the Court of Chancery had not yet come into existence so as to take cognizance of such matters. Moreover, the early chancellors were themselves ecclesiastics.

After the power to make a will was acquired, wills were frequently made by the clergy, parish priests, in the course of their ministrations, and many old prayer books contain at the end a printed form of will full of pious expressions. At a later date, when the church began to lose its influence and power, wills were frequently made by the village schoolmaster—much to the advantage of the legal profession. After the Statute of Wills (1640) enabled wills of land to be made, the term "will" became appropriate to a testamentary disposition of real property or land, and the term "testament" was applied to wills disposing of personal property. Hence the dual expression: "This is the last Will and Testament of me," A. B., etc.

The way in which the church lost the right of administration in case of intestacy was this: We have seen how the church originally received into its keeping a share of the dead man's goods, at a time when wills were unknown. Theoretically the church was supposed to pay his debts out of this share, devoting any balance that might be left to masses for the repose of his soul or to charity. But it was said that the church did not always do so; the debts were not paid, little was distributed in charity. By the Statute of Westminster II, 13 Ed. I, ch. 19 (1287), therefore, the Ordinary was rendered liable to pay the debts of the deceased in the same way as executors would be liable if he had left a will; and by 31 Ed. III, c. 11 (1358), in case of a man dying intestate, the Ordinary was directed to depute "the next and most lawful friends" of the deceased to administer his goods, and they were to have the powers of executors and to be answerable as such. This was the origin of the office of administrator, who is thus an officer of the court, and after the establishment of this office the jurisdiction of the ecclesiastical courts over the goods of a deceased man was reduced to the ministerial work of granting probate and issuing letters of administration.

The rise of the Court of Chancery and its acquisition of jurisdiction (*inter alia*) over the construction of wills and the administration of the estates of deceased persons constitute another chapter in the history of English law.

The position at the end of the fourteenth century, therefore, was, that in the south of England, that is, in the Province of Canterbury, the full power of making a will disposing of the whole of a man's personal property had been acquired; and in case of intestacy the church had been deprived of all its rights, except the granting of probate or the issuing of letters of administration, for which the officials of the ecclesiastical courts would, of course, receive fees. Upon what principles the newly-created administrators distributed the residue of the deceased man's estate, after payment of his debts, and amongst which of his relations, we do not exactly know, but judging from the later development of this branch of the law it is probable that they followed the older law, or custom, which gave a third to the widow and two-thirds to the children (if any), or half to the widow and the other half to the next-of-kin or the Crown (as the case might be). How the power to make a full will was acquired is a matter of uncertainty. It was not the result of any Act of Parliament—Parliament indeed had scarcely come into existence as a legislative body; the modern Parliament dates only from 1265. It was the result of the growth of a custom which, over a large part of England, displaced a still older custom. What were the influences which brought it about? Was it the growth of commerce, and the increased amount and value of personal property? Was it the effect of social changes and intercourse with the continent during the wars with France in the reigns of the early Edwards, or was it due to the influence of the church, based on Roman law? Probably all these forces were at work in varying degree and contributed to bring about the result.

But in the north of England, that is to say in the Province of York, the people obstinately clung to the older custom, which formed the general law down to the end of the thirteenth century, and refused to acknowledge the right of a man to dispose by his will of more than a third of his goods, or to strip his widow of one-third part and his children of another. In other words the new-fashioned custom of making a full will did not extend to the northern Province, which preferred the old custom or law of the tri-partite division and legitim. This appears to be the true origin of the so-called Custom of the Province of York. The new power of making

a full will, which, as we have seen, was itself based on custom, and not on legislation, became the general law over the greater part of England, that is to say, in the south; while in the north the older general law, also based on custom, was relegated to the position of a mere local custom, different from the rest of the country, and so it remained till 1692.

Referring to the thirteenth century, P. & M. say: "We have been speaking as though a man might by his will dispose of all his chattels. But in all probability it was only the man who left neither wife nor child who could do this. We have reason to believe that the general law of the thirteenth century sanctioned some such scheme as that which prevailed in the Province of York till the year 1692, and which obtains in Scotland at the present time" (ii, 348). The same learned authorities also say: "In the seventeenth century this scheme prevailed throughout the northern Province; a similar scheme prevailed in the City of London, and it may be in some other towns; but by this time the general rule throughout the Province of Canterbury denied to the wife and children any legitimate parts or legitim, and allowed the testator to dispose of the whole of his fortune" (ii, 349).

Professor W. S. Holdsworth, in his comprehensive and learned *History of English Law* (9 vols.), which comes down to our own times, also holds the opinion that the custom represents the older law which had once been the general law of the land, and which prevailed before the full power of making a will had been acquired (see vol. iii, pp. 351-2). It seems that in the south of England the rights of the widow and children were taken away as the power to make a will was developed and enlarged.

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From the thirteenth century to the seventeenth is a far cry, and in this long interval much had happened. The feudal system had broken down and England was turning from an agricultural into a commercial and industrial country. The Statutes of Wills of 1540 and 1542, had given a limited power to make wills of land. But before these statutes were passed it had been practically possible for some time to make such wills. The system of uses (or trusts) had arisen and was enforced in the Court of Chancery. The land to be disposed of was first conveyed to trustees (feoffees to uses) by the intending testator, who then disposed of the use (not of the land itself) by his will. The passing of the Statute of Uses (1536), which was designed to put an end to uses, took away this means of making

a will. The absence of any power to make a will of land was keenly felt. It was one of the grievances put forward by the unfortunate leaders of the Pilgrimage of Grace in 1537, who were so mercilessly punished. Accordingly the two statutes of 1540 and 1542 (32 Henry VIII, ch. 1, and 34 & 35 Henry VIII, c. 5) were passed, and they remained in force till 1838. The Statute of Tenures, 1660 (12 Charles II, c. 24), enlarged the power to make wills of land by turning the old tenure of chivalry into socage so that all the lands of a deceased man (with a few exceptions) became devisable. These statutes extended to the whole of England, both north and south. A will of lands, being itself a document of title, did not require probate down to the Land Transfer Act of 1927.

In 1671 was passed the Statute of Distributions (an Act for the better settling of intestates' estates) (22 & 23 Car. II, c. 10); and it was followed by another Act in 1685 (1 Jac. II, c. 17, s. 7). The general scheme of distribution under those acts was that the widow took one-third of her husband's residue, if there was a child; and one-half, if there was no child or descendant of a child. The children took two-thirds if there was a widow, the whole if there was no widow; and they took in equal shares without distinction between sons and daughters. The descendants of such children as might have died in the lifetime of the intestate stood in the place of their parents. But these simple rules, in course of time, were elaborated by other Acts to a large extent, so as to admit ascendants, collaterals and the half-blood, according to circumstances. The right of the widow to a third seems to be based on the older law or custom of which the statute is strangely reminiscent.

It was, however, provided by s. 4 of the Statute of Distributions: *That this Act, or anything here contained, shall not any ways prejudice or hinder the Customs observed within the City of London or within the Province of York or other Places, having known and received Customs peculiar to them, but that the same Customs may be observed as formerly; anything herein contained to the contrary notwithstanding.* The result of this exemption was to preserve the Custom and take it completely out of the operation of that Statute. It is a matter of curiosity to know what influences were brought to bear upon Parliament in order to induce it to insert this exemption. Apparently the continuance of the Custom was desired by the City of London as well as the Province of York.

At Common Law a will might be either written or verbal, *i.e.* nuncupative, though as a matter of precaution wills were mostly

committed to writing. If it was not made in writing a will had to be published, *i.e.* declared to be his last will by the testator in the presence of witnesses. The Statute of Wills, 1540, required that wills of land should be in writing. The Statute of Frauds, 1678 (29 Car. II, c. 3), required (s. 5) that all wills of land should be made in writing and signed by the testator or some person authorised by him in his presence and subscribed by "three or four credible witnesses"; and it also contained certain provisions as to nuncupative wills, to which it is not necessary to refer here. This statute remained in force as the principal Act relating to wills down to the Wills Act of 1837, which is now the Act in force. But such was the combined effect of legislation and custom before the Act of 1837, that there were no less than ten different ways in which a will could be made. In 1833 the Real Property Commissioners¹ strongly recommended uniformity, and accordingly the Act of 1837 was passed.

The Custom prevailed not only in the Province of York but also in Wales and in the City of London. It was abrogated as regards the Province of York in 1692 (4 & 5 W. & M., c. 2; and 2 & 3 Anne, c. 5); as regards Wales, in 1696 (7 & 8 Wm. III, c. 38); and as regards London, in 1724 (11 Geo. I, c. 28). It is to be observed that it was only the restriction on the testamentary power that was removed by these Acts. Henceforth testators in these places could dispose of the whole of their personal estates instead of only one-third as previously. This brought the testamentary power into line with the southern province. But as a scheme of intestate succession the Custom remained in all these places down to 1857. Strange to say, the Statute of Distributions was held to apply to the third which had previously been known as the "dead man's part," and it was distributed in accordance with that statute.

When Blackstone wrote his famous *Commentaries* in the middle of the eighteenth century, the Custom only survived as a scheme for the distribution of the estates of intestates. As such it is described by him (bk. ii, ch. 32). A more detailed account of the Custom is given in *Burn's Ecclesiastical Law* (9th ed., bk. 4, pp. 564-603). Another account of it, copied from an official source, is printed as an Appendix to vol. xix of the publications of the Thoresby Society, *Testamenta Leodiensia*, edited by Mr. G. D. Lumb, F.S.A.

A detailed comparison between the Custom and the Statutes of Distributions is here impossible. There were considerable differ-

¹ In their Fourth Report, 12.

ences in some respects, though there was a general similarity. On the whole the position of a widow of an intestate was rather better under the custom than under the statutes. This will be made clear by an example. Suppose the residue of the estate of an intestate to be distributed amounted to £1,800. Of this the widow was entitled first of all under the Custom to a third, or £600. The children, if any, were entitled to another third. Then the widow was entitled to a third of the remaining third (the dead man's part) or £200 under the Statute, and the amount left (£400) went to the children. Thus the widow took in all £800 and the children £1,000. Under the Statute of Distribution the widow would have taken one-third and no more, viz. £600; while the other two-thirds (£1,200) would have gone to the children.¹ On this P. & M. remark as follows: "Curiously enough the Act of 1692, which enables the inhabitant of the northern Province to bequeath all his goods away from his family, was professedly passed in the interests of his younger children" (ii, 355). But if a wife had a jointure given to her before marriage, she took no share under the custom. Nor did the heir-at-law, since he took the land of the deceased.

What were the causes or reasons which induced Parliament to exempt the Custom from the operation of the Statute of Distributions? For twenty-two years after the passing of that statute, viz. from 1670 to 1692, the custom prevailed in the northern Province in full vigour. In 1692 it was abrogated as regards wills. After 1692 till 1857 it continued to exist as a scheme of distribution only, in competition with the Statute of Distributions, and it was not till 1857 that it was finally abolished. Surely there must be some good reason for the extraordinary vitality of the Custom. What was it? Was it due to the influence of the church? The church has always been very strong in the north as was shown by the Pilgrimage of Grace, and the church has always been, like the Court of Chancery, the protector of widows and orphans. There has always been a certain amount of rivalry and emulation between the Provinces of Canterbury and York, and the powerful Bishop of Durham had a special (*palatine*) jurisdiction over a great part of the northern province. But the influence of the church cannot be accepted as an adequate reason for the long continuance of the custom. The church had little or nothing to gain by its preservation. The ecclesiastical courts were not abolished till 1857, but it was a matter of indifference

¹ Under the Administration of Estates Act, 1925, the widow would in such circumstances take £1,000 absolutely, and a life interest in half the remainder of the estate, as well as all the "personal chattels" of the deceased.

to the judges and officials of those courts whether the person to whom they issued letters of administration, administered the estates in accordance with the Custom or in accordance with the Statutes of Distribution. It cannot be said that the people in Yorkshire were backward or wanting in intelligence and feeling. If so, they shared the lack of those qualities with the citizens of London, where the Custom equally prevailed. The Yorkshire Registry of Deeds was founded in 1704. The preamble of the Act by which it was established, recites that at that time the West Riding had become the chief seat of the cloth trade in England. The Act was, in fact, passed for the benefit of "graziers," a class of men, half farmers and half cloth makers, who bred and kept sheep, sheared them, and spun the wool, and wove it into cloth in their own homes. This cloth they brought and sold in open market or in Cloth Halls in Leeds, Bradford, Halifax, and other towns. The Registry was established to help them to borrow money on their freeholds and so raise capital for the extension of their trade, or to tide over difficulties, as the titles to their property were, in many cases, merely possessory or customary. It cannot be asserted that men of such enterprise were in any sense behind the times. A deeper reason must be found than either of these.

It is even yet an open and arguable question whether it is right to give a man power (perhaps from motives of spite or vanity) to deprive his wife and family and all who have a just claim upon him of all his property at his death, and to disappoint the expectations which, very naturally, have been formed; or whether it is not better to secure to such dependents a certain proportion of the property which in many cases the other members of the family have helped to acquire? In Scotland, even to-day, the latter view is still held; and we venture to express an opinion that the long continuance of the Custom was simply due to the fact that the inhabitants of the north were accustomed to it and approved of it. But the time came when it was highly desirable in the interest of national uniformity that there should be but one and the same law for the whole country. That time was reached in 1856. Just as uniformity was desirable in the case of Wills so it was in the case of intestacies.

It is worthy of note that a standard practical English law book (*Williams on Executors*) continued to treat of the Custom down to its 9th ed., in 1893, when it was thought no longer necessary to retain it; and that the Custom was not without its influence on the development of the law relating to married women's property (see Kenny on *Married Women's Property*).

G.G.A.

MSS. written or possessed by Ralph Thoresby, F.R.S.

The Leeds Grammar School Library possesses a valuable and interesting volume containing numerous original and copy documents, many of which were written by, or to, Ralph Thoresby, including the MS. catalogue of his coins and medals which was printed in his *History of Leeds* and an addition to it. Among the MSS. are the Biography and Comments of his father, John Thoresby, which contain little of interest, and of whom Dr. Whitaker gave a memoir in his edition of the *Ducatus Leodiensis*.

Among the documents here printed are—An account of Thoresby's Journey to London in 1701, respecting the financial difficulties of his unfortunate brother Jeremiah, not previously printed; Dr. Skelton's prescriptions for Thoresby's ill-health; A Case on Abigail Briggs' interest in her father's Will for the opinion of Counsel, Thomas Rokeby (afterwards knighted and a Judge of the King's Bench), which has been admirably edited by Mr. G. Glover Alexander, Barrister-at-law; Original documents relating to the third Siege of Pontefract Castle in 1648, and an Assessment of Leeds Kirkgate in 1692.

Thoresby's Diary was written in a minute hand, trying to the sight, and Miss Hargrave kindly copied it from Mr. How's sermon on the 17th June to the end.

The MS. catalogue of coins and medals was given by Thoresby's widow to Thomas Wilson, F.S.A., a Leeds schoolmaster, who purchased from her nearly all the other papers contained in the volume not in Wilson's handwriting. Wilson engrossed a striking title-page and had the papers bound in one volume.

The thanks of the Society are due to Dr. Terry Thomas, the Headmaster, for kindly allowing the papers to be printed, and for the facilities he has given to the writer for transcription.

G.D.L.

¹CHANTRY OF TRINITY IN BURSTALL

2 & 3 EDW. VI.

Ardsley & Woodkirk—W ^m Linley lands tenure of Jo Egrimond	1	6	8
Westerton & Ardsley—Tho: Rogers Land	13	4	}
Westerton Lande	0	5	
Westerton Lands in tenure of Tho: Baynes	5	9	
Lands there in tenure of W ^m Burgh	4	0	
Tho. Austwick, Lands in Pontefract	10	0	
Jo: Gascoyn Esq' his Lands	10	0	
Christian Tempest & his wife, Lands in Middle Shitlington Flocton & Shrousby shire	13	4	
Total p annū			
1548 is 3 of Edw. 6	4	8	10
Chantry Trin: in Burstall Anno 1653			
Peter Robinson, West Ardsley	1	6	8
Rob ^t Casson, West Ardsley	0	19	1

¹ See *Yorkshire Chantry Surveys*, ii, 301 (Surtees Society, vol. 92).

Tho: Howley, West Ardsley	o	9	9
Tho: Austwick, Pomfret		10	o
Rob ^t Simson, East Ardsley		10	o
S ^r Jo: Armitage, Kirklees		13	4
		<hr/>	
		4	8 10

EXTRACTS BY THORESBY FROM THE EARLIEST
PARISH REGISTER.

To Sir Wilm Chrame duty v^s Keys.

From old Register,

Hereafter followeth the names of all Christenyngē made w^{thin} y^e Parish of Ledes for the yere of our Lord God one thossand cccccthlixth. Recorded by us fower churchwardens y^t ys to say Jeffrey Waydhouse, G[*blank*] George Cottager & Nicolas Ferne & Alexand^r Faucit.

Imp^s Wy^m Mershal alias Mylner of Kirkgate.

It. one James Hewson or Pope gatheryng man had a chyld christened the vjth day of February named Rychard.

It. Rychard Shipperd of buruly ane . . . had a child . . .

It. W^m Coke alias Gayle of beiston had a child christened y^e xii day of Octob^r 1560 named Wm.

It. Ric. Sykes of Kyrkgait had a chyld christened the said xxijth day of Feb: 1561 named Alice.

There is frequent mention of Lidgate, Pawdmyer, Wharrel hyll, Nth Bar, Lydgayt, new chapell, Park yate, Ossenthorp, Sanct Ellen chappel, mylchyie, Cross Green, ratten row, Kid stak yard.

The number of al y^e children chrystened thys said yere of our Lord god 1562 ys Ten score & fourteen.

M^d y^t ymmediatly foloweth the names of all the christenings within the pish of Leeds from the xxvth day of April 1562 Año regni Elisabethe Regine quinto recorded by us fower Churchwardens of Leeds town, that is to say, Adam Hargrave, Thomas Baker, W^m Handley & Lawrence Awstrop p. Alex^r Faset vicar there.

It. Robert Beiston of beiston Esq^r had a child christened y^e xvjth day of Sept^r 1664 named Robert.

It. Robert Gaile of beiston had . . . 20th Oct. 1664 named Raffē another 26 March 1666, Adam.

It. John Stagg beyond Lydgayt at the new chappell.

It. W^m Gayle of Beyston had a child christened the same 11th day of Sept^r 1564 named Alexander.

It. W^m Gayle of beyston had a child chrystened xiiijth April 1667 named Rauf. [? 1567]

It. John Davye being an Egiptian had a chyld . . . xxiiijth Aug^t [15]’67 named Jayne.

Item Xpofer Bradlaye preste of y^e new chappel was buryed y^e xxvjth day of Octob^r 1563.

Item W^m Beiston gent. of Beiston was buryed 26 Sept. 1564.

Item Sr Henrye Chanter of hilhouse banks priest was buried
1 Feb. 1564.

Imp's W^m Younge of Leeds feilde syde was buried 20 May 1565.
Mention also of Weit wood syde.

Item Sr John Clarke priest of Chappel at Leeds bridge end was
buried 9 Dec. 1565.

Sr Tho: Gibson priest of Farnley, 30 Mar. 71.

Item Robert Beiston of beiston Esq. 3 April 1566.

Item Alice locke of beiston widow 17 Aug. 1570.

The above extracts were taken by Thoresby from the earliest Leeds Parish Register Book, and contain additional entries and information to the six entries given in the *Miscellanea*, ante vol. ii, p. 161. There is a long footnote in the *Miscellanea* which gives an account of the earliest Register Book.

ARREARS OF PAY DUE TO CAPTAIN JOSEPH THORESBY.

To the Right Hon^{table} Ferdinando L^d Fairfax Lord Generall of
all the Northerne Forces raysted for the King & Parliam^t.¹
The humble petiçon of Joseph Thoresby late Lieuten^t to Cap. Dent.

Humbly sheweth. That y^r petiçõer haueing served yo^r Lo^p
as Lieuten^t in this iust warre now almost these forty weeks, and
never received any pay for his service, nor any releefe from yo^r
Lo^p dureing sixteen week^e imprisonm^t, hath beene constrained to
bee burthensome to his father hitherto, who hath willingly maine-
tained yo^r petiçõer, and lent yo^r Lo^p forty pounds vpon the publike
faith, being also ready to doe in this service to his vttermost, but
that he is much disabled through his exile, & losse of his estate and
trading, soe that yo^r petiçõer's father cannot doe for him as he
hath done.

May it therefore please yo^r Lo^p to assigne yo^r Peticõer to
receive satisfaction in some part out of that moneye w^{ch} Mr
Dawson hath in hys hands in Scotland, collected for release of
Prisoners, till the receiving whereof yo^r Lo^{ps} Peticõer will
patiently waite, and p^rsume to borrow for p^rsent supply of some
freind or other; Soe shall he humbly pray for yo^r Lo^{ps} happiness
and welfare.

*2 of Decembr 1643 I am contented that Mr Dawson pay vnto
y^e Petitioner 20^{li} till farth^r satisfaction can be given him*

FER: FAIRFAX

Endorsed:—*this petition showed to me this 4 June 1645.*

(Seal)—Arrears of Pay due vnto Cornett John Thirsbye, Cornett
of a Troope of Horse to Captaine Joseph Thirsbye in the Regi-
ment of Colonell Christopher Copley under the Commaund of
the right Hono^{ble} Ferdinando Lord Fairfax Lord Gen'all of the
North.

¹ As to the condition of the Army see *The Fairfax Correspondence, Civil War*, ed. by Robert Bell, ii, 65–67, and *Life of Fairfax*, by Markham. Joseph Thoresby was brother of Ralph.

Due vnto him as Cornett of the said Troope in the sayd Regiment to Capt: Thirsby aforesaid from the 16th day of May 1644 vntill the 6th day of May 1645 beinge one whole yeare at 13^s 6^d p diem

Whereof received by him	264 ^l 12 ^s 6 ^d
Soe remaneth due vnto him	9 ^l 8 ^s 0 ^d
	255 ^l 4 ^s 0 ^d

I doe beleue the Accompt is right cast vp.

W. HARRISON.

I referre this to the Consideracon of the Parlat

FER FAIRFAX.

WHEREAS by ordinance of Parliam^t bearing date the xxiiiijth day of November 1642 The right Ho^{ble} Ferdinando Lord Fairfax or whom he should appoynt treasurer for that purpose was enabled to engage the publike Faith of the Kingdome for all such Plate, moneys, Arms & horse as should be voluntarily Lent or raised for the service of the State in the Northerne Countyes in pursuance of the sayd ordinance John Thoresby of Leeds Gent: did in the yeare of our Lord 1642, 1643 & 1644 Furnish & Lend the sum of Fourty pounds in moneys & also did raise and advance in horse & armes which was valleded att Fourteene pounds one shilling foure pence And did likewise Lend unto his son Captaine Joseph Thoresby for the payment of his troope in the Parliam^{ts} service by order from the sayd L^d Fardinando Fairfax dated the xvth day of June 1644 Thirty six pounds and also Twenty pounds more by the like order from the s^d Lord Fairfax dated the second day December 1643 in all amounting to the sum of One hundred & ten pounds sixteene pence for which sayd sum of one hundred & ten pounds & sixteene pence The Publick faith of the nation is to be engaged vnto the sayd John Thoresby. In Testimony whereof I have herevnto sett my hand & Seale

W. Harrison Treasurer appoynted by the s^d L^d Fairfax.
vera Copia.

THE THIRD SIEGE OF PONTEFRAC^t, 1648.¹

The Names of the Gentlemen selected for the Counsell of Warre.

S ^r Phillip Monkton	M ^r Gen ^l Byron
Colon: Anthony Gylby	Col: Roger Portington
Col: James Washington	Lt. Col. Ema: Gylby
Lt. Col: Mic: Stanhope	Capt: Will: Palden
Col: John Marris Govern ^r & President	

This Counsell of Warre being nominated by the Governo^r and by him and vs, whose names are herevnto subscribed vnanimously

¹ The documents relating to the third Siege of Pontefract are copied from the original MSS. Fox, in his *History of Pontefract*, evidently printed them from inaccurate copies, which will be noticed on comparison, and Richard Holmes, in his *Sieges of Pontefract*, copied them from Fox, from whose book he obtained much information. Both Fox and Holmes give excellent accounts of the third Siege to which these documents relate. Colonel Morrice was afterwards executed at York for treason. For a trustworthy view of the Castle at this period see *ante* vol. xxiv, p. 1.

approved: wee doe oblige o'selves to obey all Orders proceeding from the same, or the maior parte of them: Provided that every Gentleman or Officer, vpon leave desired shall have Libertie for his or their advantage to serve in this or any other of his Ma^{ties} Garrisons. Signed by vs this 17th day of June 1648.

Robert Portington	Tho: Man	Jo: Horsfall
Tho. Crathorne	Tho: Posewheille	Timothie Paulden
Ra: Ashton	Thom: Webb	George Bonevant
Wat: Saltonstall	Cecill Cooper	Wi th Wentworth
Hen: Portington	Jo: Grymedyk	Nicholas Mar[ris]
John Benson	John Cooper	John Co[rker]
Rob ^t Heron	Leon: Reresby	Garvas Nevil
Henry Dunbar	Edward Webb	George Metham
Wi th Slater	Jo: Batley	Mar: Cholmundley
Edward Skepper	Alan Austwick	Robert Riddell
Fran. Reresby	W ^m Palmer	Joseph Constable
John Eyre	Wi th Bamford	Francis Ascouge
	Edm: Monkton	

These ensueinge orders are agreed vpon att a Councell of Warr in Pontefract Castle July 20th 1648.

First Itt is ordered & agreed vpon that after the armeinge of the Gou^{er}, Co^{ll} John Marris his regm^t of Foot that Co^{ll} Vernon shall haue the supnumerary fixt armes for the armeinge of his regm^t for the vse of this Garryson & to redeliu^{er} them fixt againe to the said Gou^{er} Co^{ll} John Marris when he shall demaund them of the said Co^{ll} Vernon.

2^{dly} Itt is agreed vpon & ordered that May^{or} Edward Goare comound as mayo^r of all the horse blonging this Garryson & that he shall have Authorizm^t from vs for that purpose.

3^{dly} Itt is agreed vpon & ordered that Cap^t With Goure comound as Mayo^r of all the Foot quartered in the Towne of Pontefract for the defence of the same And that he the said Cap^t. With Goure shall haue Authorizm^t from vs for that purpose.

4^{ly} Itt is agreed vpon & ordered that noe Constables or Countryeman brought into this Garryson for want of his or their assessm^{ts} shall be detained by any reson nor p'tence whateu' they haueinge giuen satisfaction to the treasurers for their or his assessm^{ts} without speciall order from vs for that purpose.

5^{ly} Itt is further ordered & agreed vpon that noe man whatever bringeinge into this Garrison any man for the want of his assessment or shall receave any moneys from any man or towne for thuse of this Garryson but that he or they giue account therof within four howeres to the Gou^{er} or Treasurers appointed for that effect.

6^{ly} Itt is further ordered & agreed vpon that Sir Hughe Cartwright be muster minster of all horse & foote belongeinge this Garryson & that he shall haue power for that purpose from vs.

7^{ly} Itt is ordered that Coll' Roger Portington & Coll' James Washington be assistinge to the Treasurers Sir Hughe Cartwright & Mr. Nevile for the receivinge all moneys brought in for thuse of this Garryson all acompts therevnto belongeinge.

8^{ly} Itt is further ordered & agreed vpon that if any officer, Gent' or souldier shall be found negligent vpon any dutye comaunded him by his superyor officer or shall goe off his gaurd without order from his Comaund⁹ or any wayes be disabedyent to him in his Lawfull martiall Comaunds that he the offender shall forfeite one dayes pay be disarmed at the head of the troop or foote Companie wherin he serveth & shall be imprisoned for foure & twentye howers & his dayes pay be disposed of to his fellow sould^{rs} of that troop or Companie wherein he serveth.

John Marris	Roger Portington	W ^m Gower
V. Cromwell	Ed. Gower	Fran. Reresby
Rich. Byron	Vriah Legh	Edw. Bond
E. Vernon	Radcliffe Duckenfeild	C. Congreve
	Eodē die ꝑt merid'	

It was debated to provide for the security of this Garrison: and in reference thereunto, it was ordered that every Officer, Gentleman and souldier resideing in this Garrison shall take an oath for defence of the same, and that an oath bee framed to that purpose as effectually, and speedily as may bee.

Die lunae 16^{to} 8^{bris} 1648

Jo: Marris Governor & Presid^t, Colonell Wheatley, Col. Washington, M^r Crathorne, Capt. W^m Palden, M^r Thimelby, M^r Saltenstall, M^r Redhead, M^r Rearesby, Capt. Benson, Capt. Tho. Palden, Capt. Marris.

Upon debate of the bringing in of Mr. Wiłm Marwod prisoner wth S^r Arthur Ingram: It was Ordered that the said M^r Marwood doe advance the sūme of one hundred poundes for the service of his Majesty and the use of this Garris' and that vpon paym^t of the same hee bee enlarged and sett at libertie.

Capt. John Benson dissenteth from this Vote M^r Crathorne likewise dissenteth Col. Wheatley ab:

The Interest of Capt. W^m Palden to this Garrison (as Co^mander in cheife of all the horse belonging to the same) was taken in to Considera^on and (hee being wherawae) it was Ordered by this Board, that all prizes taken by the horse belonging to this Garrison, and brought into the same (after a third p^{te} deducted for the vse of the Governo^r and this Garrison) shall yeild and pay to the s^d Capt. W^m Palden a fourth p^{te} of the s^d Prize after the s^d deduc^on for the Governo^r & Garrison, w^{ch} is a sixth p^{te} of the whole; and all p^{ties} from henceforth are to take notice of this Order; But it is Provided that what prize soever bee taken at the same instant with the presence that this shall give noe accompt to the Governo^r nor Capt. Palden onless hee bee there p^{sent}.

Die solis vicessimo secundo die 8bris 1648.

It was debated by the same Councell that sate the sixteenth of this moneth, whether according to their Order that day Capt. Wiłm Palden shall have a sixth p^{te} out of the paym^t of S^r Arthur Ingram or noe, and it was carried in the affirmative.

Capt. Jo: Benson in the negative
 Capt. Nicholas Marris in the negative
 Mr. Rearesby in the negative
 Mr. Crathorne in the negative

Capt. Tho. Palden, Mr. Redhead, Mr. Saltenstall, Mr. Thimelby, Col. Washington in the affirmative.

Die Saturna 7^o 8^{bris} 1648.

John Marris Governo^r & President, Jo: Dygby K^t, Hugh Cartwright K^t, Colonell Washinton, Capt. Wiłm Palden, M^r Saltenstall, M^r Rearsby, M^r Redhead, Capt. Benson, Capt. Tho: Palden, Capt. Ashby, Capt. Marris, Capt. Palmer.

Upon debate of the duell fought betwixt M^r Bunckley and M^r Byford it is Ordered by this Board that M^r Bunckley continue the Marshall's prisoner and that L^t Colonell Ashton, second to them continue confined to his Chamber, and p'sume not to stirre forth wthout acquainting the Capt. of the Guard whoe is to appoint a Gentleman, or a souldjer to waite on him.

Upon the Informacon of diverse Officers and Gentlemen of this Garrison of severall misdemeanors comitted by M^r Taylor it is Ordered that the said M^r Tayler doe departe from this Garrison before the beating of taptoo this evening and hee is prohibited to repaire to the same wthout the Governo^{rs} special leave, and it is further Ordered in case hee refuse to obey this Order, that hee bee cashierd in the head of the Officers, Gentlemen and souldjers of the Garrison.

Upon further debate of the Duell abovementioned, to p'vent the like for the future, it is Ordered that noe Officer, Gentleman, or souldjer belonging to this Garrison doe p'sume to fight any Duell wthin or wthout this Garrison, dureing their residence here, and in case any Gentleman, Officer or Souldjer bee challenged p'voked to fight by his Comrade or any other, that hee forbear to fight, and make the Governor acquainted wth the same, referring himselfe to him, or appealing to this Board for satisfaccon upon paine of death.

Die Jovis vicesimo sexto Octobris 1648.

Jo: Marris Governo^r President, Jo: Dygby Kt., Hugh Cartrett Kt., Col: Washington, Col: Wheatley, Col: Portington, Lt. Col. Ashton, Major Saltenstall, Mr. Redhead, Mr. Rearesby, Mr. Thimelby, Mr. Bunckley, Mr. Crathorne, Mr. Barker, Capt. W. Palden, Capt. Ashby, Capt. Awbrey, Capt. Grimston, Capt. Willis, Capt. Palmer, Capt. Benson, Capt. Tho: Palden, Capt. Wentworth, Capt. Marris.

In p'sequiscon of a former Order, an oath was framed for the defence and maintenance of this Garrison, w^{ch} being read to this Councell was approved by and taken by them vpon the holy Evangelists: and it was ordered that all the Officers, Gent' and Souldjers, belonging to this Garrison shall take, the same, at Parade this afternoone, and that eu'y member of this Councell bee there p'sent.

Capt. Wiłm Palden p'duced the Generall Order for Comaund of all the horse belonging to this Garrison, w^{ch} being read to this Councell was submitted vnto by them, and it is further Ordered

that as Coṃmaunder in cheife of the horse and member of this Garrison hee shall have a share of all prizes brought into this Garrison w^{ch} doe yeild any share to the same.

It was debated by this Councill to provide for the most equall division of Prizes, and in reference therevnto, it was Ordered that all Prizes for the future bee thus divided, halfe shall goe to the p'tie that takes and brings in the Prize and the other halfe shalbee divided as followeth. Twoe p'tes of the other halfe shalbee divided for the vse of the Officers and Souldjers of this Garrison, and the remainder being a third p'te shalbee divided betwixt the Governo^r and Capt. Wiłm Palden and hee out of his p'te to satisfie his Officers.

It was debated whether Capt. Wiłm Palden should have a share in the paym^t of Sr Arthur Ingram or noe, and being putt to Vote it was carried in the affirmative, and that his share bee according to the p'porçon in the p'ceding Order.

Capt. Benson, Capt. Ashby, Mr. Rearesby, Lt. Col. Ashton, Col. Portington dissent.

The Councill of Warre adjourned till tomorrow morning at nine of the Clocke.

Die Veneris 27^o die Octobris 1648.

Mr. Barker, Mr. Redhead, Mr. Rearesby, Ca: Marris, ab:

It was debated whether any Act coṃmitted in the last Warre was questionable before this Councill of Warre, or noe, and it being putt to vote was carried in the negative.

Capt. Marris is p'sent.

It was debated whether the Troops should have an equall share of a Prize wth the Gentlemen, or noe, and being putt to vote, it was Ordered that they should, but goe halfe share wth the Gentlemen.

Mr. Redhead p'sent.

It was debated whether or noe Mr. Boncle should have the benefitt of sitting at this Board and it was left by this Board to the Governo^r to determine.

This Councill adjourned till tomorrowe at twoe a clocke.

7th die Novembr' 1648.

By Col: Marris Governo^r & Presidt., Jo: Dygby Kt., Hugh Cartwright Kt., Col: Washington, Mr. Roger Portington, Col: Wheatley, Col: Portington, Lt. Co.: Ashton, Mr. Thimelby, Mr. Bentley, Mr. Rearesbie, Capt. W^m Paulden, Capt: Benson, Capt. Wentworth, Capt. Ashbie, Capt. Marris.

It was debated whether the Garrison of Newhall bee tenible, or noe, being putt to Vote it was carried in the negative, and it was further Ordered that it bee sett on fire, and made vnserviceable for the enimie and that this night followeing Mr. Thimelby stay in the house wth sixteene or twenty souldjers: that Col: Wheatley draw forth the rest to Monke-hill; and if there bee any app'ache of the enimie that they draw off to this Garrison.

THE RULES FOR THE GARRISON.

First. That y^e Governor wth all other y^e Officers, Soldiers, Gentlemen & there servants and all others wthin this Castle haue passes

wth free liberty to march away wth there horses pistolls & swords wth Bagg & Baggage to there severall habitations, there to remaine wth protections & freed from all Oaths & Covenants which they shall conceave contrary to their Consciences.

- 2 That the Governor, Officers, Soldiers, Gentlemen or any others belonging to this Castle shall not bee sued or molested either att y^e Common law, Civill or Martiall Law for any Acts or words said or donne vnto any person or persons in relation to these vnhappy differences since the year 1641.
- 3 That y^e Governor, Officers, Soldiers, Gentlemen or others beeloning to this Castle shall not bee sequestred in there lands or goods, and y^t if any of them bee sequestred y^t y^e sequestration bee taken of imiately vpon y^e Surrender of this Castle.
- 4 That y^e Governor, Officers, Soldiers, Gentlemen or any others beeloning to this Castle vpon any of there desiers shall haue liberty wth passes to goe beyond the seas, and to take wth them, if y^t please, there wives & children and there owne goods any time w^hin six monethes after the rendeldo' of this Castle.
- 5 That all Officers & Soldiers beeloning to this Castle vpon the delivering vp of there armes shall receive a moneths pay to beare there charges home or els to haue free quarter by y^e way, and y^t noe foote bee compelled to march about 8 miles in one day in his iorney.
- 6 That all wounded or sick person who are not able to march, haue quarters assigned them, wth allowance for maintenance or free quarter vntil they shalbee able to march and then to have passes wth mony or free quarter in there iorney as in the former Article.
- 7 That y^e Governor's wife wth his children & family, wth all other gent'women, women, children & weak person haue passes to goe to there severall habitations wth there Baggs & Bayggage the day beefore the rendition of the Castle and y^t they haue a convoy appointed y'em to secure there passage home.
- 8 That all prisoners on Pomphrett or els wheare taken since this seege for any thing in relation to this garrison shalbe sett att liberty vpon the rendotion thereof and haue the benefitt of these articles.
- 9 That vpon Complaint made to maior Generall Lambert hee is to take order that restitution & satisfaction bee made to any person damnified or prejudiced contrary to y^e true intent & mean^s of these Articles, And if y^e breach of any Article bee laid vpon the person or persons offending and not imputed to there whole party.
- 10 That every Townsman of Pontefract or other Gent: or Contriman may haue leave the day beefore the rendition of y^e Castle, to come to, receive there bedding or any other there goods in y^e Castle and y^t y^v may take the same away.
- 11 That all these articles bee allowed & confirmed by an ordinance of Parliament.

12 That hereupon the Castle of Pomphrett wth all y^e Cannon, Armes, Ammunitions together wth all other y^e provisions bee delivered to Maior Generall Lambert or to such as y^e Parliament or hee shall appoint att or vpon the feast of S^t John Baptist com^only called Midsomener day next, if in y^e meane time wee bee not released by an Army.

PETITION TO CROMWELL, 1657.

Upon the Petition of the Inhibitant^e of Leeds in the County of Yorke:

Whitehall January y^e 1657 [*sic*].

His Highnes Pleasure is that Leonard Scurr Esq^{re} and Robert Hurt gent. Sollicito^{rs} of this Petition Doe attend Upon his Highnes to speake with him about the matters herein Contayned And M^r John Barrington by his Highnes Direc^on is to bringe them before him for that purpose.

A true Coppie of the Order Upon the Fr: Bacon.
peti^on Exe^d by Tho: Brooke.

[Note on back] Old papers that came to M^r Allenson¹ in '57 when Skur & Hurst impleaded the old corpora^on as disaffected to the then power.

LETTER FROM ELKANAH WALES² TO
ELKANAH HICKSON.

Loving Cosin—I have receyued yo^r Letter dated Sept. 28 by Nich Whitefeld wherein you mention yo^r sending of sundrie parcels, served up in a peice of Cotton. All the things which he should have brought the journey before, are comed to o^r hands but this bundle is not comed to us nor can we heare anything of it. He is too careles or very forgetfull. It is either lost at Leeds or by the way, as the other things were, It's well, if he have not lost it. I pray you deale with him about thē, and let us have them brought safely to us. The cloth and cloke and sute are too good to be carelesly or negligently lost. I would haue him not undertake the cariage of things rather than deale thus loosly. There is yet somthing that I would have brought hither. Let yo^r wife look among the pewter and she shall find a little basin, that hath some snips in the ledges of the top, which we have made use of for o^r bed-stoole, and may be serviceable to us in the same way hereafter; here is none in this house little enough for the stoole. And I want another Cheshire-cheese, to bestow on a deare freind. If M^r Moxon have none, I

¹ Francis Allenson was the Alderman of Leeds in 1644, 1657. He opposed Adam Baynes as Member of Parliament for Leeds.

² The Rev. Elkanah Wales was born at Idle, 1588. M.A. Trinity Coll., Cambridge, 1609; died 1669. Curate at Pudsey for many years. Thoresby referred to him in his Review as the holy and mortified friend of his father. See Taylor's *Leeds Worthies* and Rayner's *History of Pudsey*. The Society has a copy of his *Mount Ebal levelled*.

suppose there is choice enough in the Towne. Let it be about 2^s or 2^s 6^d price and send it and the bason, with that parcel of cloth, which is yet to come, and if the bundle before-mentioned, be left at Leeds, they may be trussed together as handsomely as you can, and brought to us this journey. Pay for the carriage of all things; and in yo^r next Letter send me a note of yo^r particular disbursm^{tes}, that I may know how the account^e are betwixt us; and forget not to set downe distinctly the prices of those 2 peices of cloth, which my wife sent for. When you send me any letters, either of yo^r owne or others, I would have you to inclose them in a blank paper, and superscribed on the backside to Mr. Thomas Heslop of Barnacastle, because I would be hidden as much as may be, and not have it knowne where I am. I hope we shall not trouble you hereafter about the conveyance of so many pottering things, at least not this winter. We are all in prety good health, blessed be God. Present o^r Love to all o^r deare freinds, with you, and e^lswhere.

I rest, Yo^r Loving uncle

Lartintõ Oct: 5th 1667.

Elk: Wales.

Footnote by Thomas Wilson:—An Original Painting of Mr. Elkanah Wales penes T. Wilson 1756. He was ejected from the Curacy of Pudsey for Nonconformity, and died at M^r Todd's, Minister of St John's in Leedes and was buried there. M^r Ralph Thoresby wrote an account of his Life in MS.

CERTIFICATE THAT THORESBY WAS A MERCHANT
ADVENTURER AND OATH.¹

[L.S.] THESE are to Certifie all whom it may Concerne that M^r Ralph Thoresby of Leeds Merchant is a Free Member of the Fellows^{pp} of Merchant Adventurers of England in Testimony whereof have herevnto affixed the Seale of the said Fellowship. Dated in London y^e 23th May 1684.

You Swear by y^e Almighty God to be good & true to our Soueraigne Lord y^e King & to his Heirs and Successo^{rs}, you shall be obedient and assisting to Y^e Governo^{rs} or his Deputy and Deputyes and Assistents of the Fellows^{pp} of Merchant Adventurers in y^e parts of Holland, Zealand, Brabant, Flanders and within y^e Towne & Marches of Calais as also in East Friesland or any other Country or place on this and that side y^e Seas where y^e Compa^v is and shall be priviledged All Statutes and ordinances not repealed w^{ch} have been or shall be made by the said Governo^{rs} his Deputy and Fellows^{pp} you to your best knowledge shall truly hold & keepe haveing noe Singular or private regard to your selfe in hurt & prejudice of y^e Comon weale of the said Fellows^{pp} or else being condemned & orderly demanded shall truly from time to time content & pay unto y^e Trêrs for y^e time being all & every such mulcts and penaltyes w^{ch} have been or shall be limited and sett for y^e Transgresso^{rs} &

¹ See Atkinson's *Thoresby*, i, 221.

Offendors of y^e same y^e Secreetts and Privities of the aforesaid Fellows^{pp} you shall heale & not bewray and if you shall know any manner of Person or Persons which intend any harme hurtt or Prejudice to our Sovereigne Lord y^e King or vnto his Lands or to y^e Fellows^{pp} aforesaid you shall give Knowledge thereof and doe it to be Knowne to y^e Govern^r or his Dep^{ty} and you shall not Colour or Free any Forreigne goods w^{ch} is not Free of this Fellows^{pp} of Merchants Adventurers Soe help you God.

[Indorsed The Freemans Oath.] Concordat Jn^o Jnce Sec^{ry}.

LETTER FROM ROBERT KILLINGBECK TO HIS
BROTHER JOHN.

Deare Bro^r. I beg y^r pardon I had not long ere this given you an Acc. of M^r Parkers business but I was in the Country when itt came & soe rec'd itt not of a long tyme. I have not tyme now to give you an exact Acc^t of itt but pray tell M^r Parker I will justify that I was retained by Holdsworth by sufficient prooffe & also his order to receive the money w^{ch} I indemnify M^r Parker in vpon all Acc^{ts} for the moneys is levyed in my hande by virtue of an execucon & if Holdsworth sue him I shall be a materiall Evidence for M^r Parker & will engage hee will gett the better. On Sunday morneing last betwixt 4 & 5 it pleased God to deliver my wife of a brow boy w^{ch} was afterward baptizd & named John. My wife selfe Jackey & all give our humble S^vices to yo^r selfe, Aunt, Sister & Cozen & desires to hear how you all doe w^{ch} is all from

Yo^r Affec^{'te} Bro^r & S^vant

13^o No. '86.

Rob^t Killingbecke.

I had a freind represented my Father for Godfather & two other relacons of my wives &c.

Addressed:—For M^r John Killingbecke att his house in Lynn Regis, these Norfolke, Lynn.

ADDRESS TO KING JAMES THE SECOND ON HIS
DECLARATION TO ALL HIS SUBJECTS FOR LIBERTY
OF CONSCIENCE, 1687.¹

The humble Address of divers of your Ma^{ties} Loyall Subjects of severall Perswasions, in the Corporation of Leeds, and places adjacent, in your County of York.

Great S^r—With all becoming Resentment we humbly present our gratefull acknowledgements to Heaven and your Sacred Ma[jes]tye for your Loyal Benignity in the ample Indulgence and Indemnity vouchsafed us, by your most Gracious Declaration:

¹ The Address is printed in *Ralph Thoresby, his Town and Times*, by D. H. Atkinson, i, 258, but the names of the subscribers, who were well-known Leeds men, are not given, so it is thought well to print the address with their names attached. Mr. Atkinson has a note on "Resentment."

A Noble Testimony of your Ma^{tyes} deference to Almighty God, in asserting his imēdiate Dominion over Conscience, as a thing no force can or ought to violate, and also of the tender respect your Ma^{ty} beares to the Felicity of your Subjects, by confirming them in the possession of their Libertys & Propertyes, during your Government, which Mercy & Righteousness, that meet & Kisse each other in your Ma^{ty} we doubt not wil be the Stability of your Throne and Times.

We adore that wise Providence, which in this hath made your Ma^{ty} such a generous Leading Pattern to the Princes of other People and evidenced you a Father to your own: thereby establishing your Ma^{ty} in your Sovereignty, not only over our Bodes but Hearts, thus doubly won upon, to entertain your Maj^{ty} into their most affectionate embraces. And from our very Souls we implore the Divine Goodness, to return a Thousandfold into your Ma^{tyes} Bosom, for the Honour put upon us, in taking our Persons & Rights into your favourable Protection, & making an Estimate of our Loyalty from our fidelity to God & our Consciences.

May your Ma^{ty} be blest with a long Peace and Prosperous Reign, under the conduct of Celestial wisdom & Grace, to an happy Immortality.

Subscribed by us in the name of many Others.

1 Tho. Sharp	13 Robert Armitage	24 Jos: Jackson
2 Tho. Whitaker	[<i>erased</i>]	25 Chr: Ryder
3 Tho. Elston	14 Elkanah Hickson	26 Nic. Dunwell
4 Pet ^r Naylor	15 Tim. Smith	27 Henry Ellis
5 Rich ^d Whitehurst	16 Tho: Wilson	28 Tim: Wimmersley
6 Jo: Lister	17 Jos. Milner	29 Jos. Cond ^r
7 Ralph Spencer	15 Rob ^t Armitage	30 Rob ^t Greave
8 Samuēl Ibbetson	19 John Pickering	31 John Overend
9 Thomas Fenton	20 Mark. Freeman	32 Samuel Jenkinson
10 Rich ^d Wilson	21 Rob ^t Ledyar	33 Will. Bolland
11 Ralph Thoresby	22 Wi ^{ll} Ingram	34 Joshua Dixon
12 Will ^m Milner	23 Ambrose Ambler	35 Jos: Pease

LETTER FROM ROBERT 2ND EARL OF SUNDERLAND
TO THE LEEDS CORPORATION.

Whitehall 14th Dec^r 1687.

Gentlemen, The King being informed y^t some Goods belonging to John Wales & other Quakers of Leedes w^{ch} were seized & taken from y^m upon y^e account of their Religious Worship do remain unsold in y^e hands of John Todd who was Constable at y^e time of their seizure or in the hands of some other persons, & his Maj^{tyes} Intention being y^t all his subjects shall receive y^e full benefit of his declaration for Liberty of Conscience, his Majesty comānds me to signify his pleasure to you y^t you cause the Goods belonging to y^e s^d John Wailes & all other Quakers of Leeds w^{ch} was heretofore seized upon y^e account of Religious Worship & are unsold in whose hands

so ever they remain to be forthwith restored to y^e respective owners without any charge. I am, Gentlemen, Your affectionate friend & Servant

The Major & the Aldermen of Leeds in SUNDERLAND.
the County of Yorke, SUNDERLAND.
[Addressed "To Mr Ralph Thoresby in Leeds."]

BIRTH OF THE YOUNG PRETENDER.

Mr Mayor

June 30th '88.

We haveing but this day rec^d an Ord^r of Counsell signed by ten Privy Counsellors for y^e exact observing y^e first of July for a thanksgiving day for y^e great blessing conferred on these Nations by y^e birth of a Prince do by vertue of y^e s^d order directed to us Deputy Leiften^{ts} of y^e West Rideing require of you to omitt no usual Ceremony of thanksgiving for so signall a mercy & advantage conferr^d on these nations. Your real Friends & Serv^{ts}

These to the Mayor of Leeds.

Walter Vavator.

J. Midleton.

THORESBY'S HOUSE TO BE USED FOR RELIGIOUS ASSEMBLIES.

July 17th 1689. THESE are to certify their Maj^{ty}s Justices of y^e Peace for the Burrough of Leeds that Ralph Thoresby doth make choice of his own house in Leeds aforesaid for persons to assemble in for the Service of God according as is allowed by a late Act of Parliament made in the first year of the Reigne of King William & Queen Mary entituled an Act for exempting their Maj^{ty}s dissenting Subjects from certaine Penal. Laws.

[This was to avoid danger from Informers of private meetings for Repetition &c. *Added* by R. Thoresby.]

ASSESSMENT TO MAINTAIN THE WAR AGAINST FRANCE.¹

An Assessment made this 5th July 1692 By vertue of a Warrant to us directed by the Comissioners appointed by a certain Act of Parliam^t entituled [An Act for raising Moneys by a Poll payable Quarterly, for one yeare for carrying on a Vigourous Warr against France] raised taxed & assessed for Leeds Kirkgate.

	£	s.	d.
Charles Clarkson jun ^r & wife	00	02	00
W ^m Kent, Tradesman, wife & Labourer	00	13	00
Mr. John Spink, Attorney, wife, child & maid	01	04	00

¹ Copied from the original document and signatures. The account is in Ralph Thoresby's writing. The ciphers are not repeated after the first three entries.

	£	s.	d.
Mr. Smeaton		1	0
W ^m Atkinson, Samuel Atkinson, wife, 2 child', 1 man & 1 maid	7	0	
Benjamin Harrison		1	0
Ralph Thoresby, wife child & maid	14	0	
D ^r Jaques, wife & maid		3	0
Christopher Conder, wife, 2 children & 1 maid	15	0	
Mr. Samuel Ibbetson, March ^t , wife 3 children 2 maids	1	7	0
Mrs. Eliza ^h Ibbetson, daughter & maid		3	0
Mr. . . . las Dunwel, Tradesman, wife, 2 children, 1 maid 1 App.	16	0	
Mrs. Dunwel sen ^r 1 ^s Mr. Dixon 1 ^s		2	0
Mr. Killingbeck, Vicar, wife & 2 maids	1	4	0
Edward Brooksbank		1	0
James Conjers & wife		2	0
Lambert Bilton, Tradesman, wife 2 children 1 maid 1 app.	16	0	
Timothy Fearnside & wife		2	0
Robert Conjers & daughter		2	0
Robert Hague, wife, 2 children & 1 maid		5	0
Wm. Burrow, wife & child		3	0
Edm ^d Dodshon, Tradesman, wife, 2 children & 1 maid	15	0	
Joseph Conder, wife, 4 children & 1 maid		7	0
John Procter & wife		2	0
Robert Tetlaw & wife		2	0
Richard Gowland		1	0
Bryan Procter & wife		2	0
W ^m Haxby & wife		2	0
John Layton		1	0
John Nicolson & wife		2	0
Mr Rob ^t Pickersgil, Tradesman, wife son & maid	13	0	
John Waid, wife & daughter		3	0
Widdow Tessimond		1	0
Francis Mawd wife & child		3	0
John Bretherick		1	0
Thomas Pease, wife & 2 children		4	0
Mr W ^m Cookson, Tradesman, wife, 4 children, 2 maids 1 appr.	19	0	
Thomas Marshall		1	0
W ^m Marshall wife & child		3	0
Mr. Christopher Pawson, wife, son & maid	14	0	
Mr. Henry Pawson, March ^t wife & maid	1	3	0
Mr. Bright Dixon, wife, 4 children, 2 maids		8	0
Robert Hudson, wife & mother		3	0
Joseph Pullen, wife & child		3	0
Mr. Rich ^d Dickons, Attorney, child & maid, × removed		0	0
Thomas Johnson Apprentice & maid		3	0
Edmund Stephenson × removed		0	0
Henry French		1	0
James Cocker		1	0
Mrs. Overing		1	0
Widdow Clifton 1 ^s Mr. Benson 1 ^s		2	0

	£	s.	d.
Widdow Blackburn		1	0
Thomas Harrison & wife		2	0
Mrs. Smithson & 2 children		3	0
Daniel Noble		1	0
Sam ^l Andrew		1	0
John Pease, wife, 3 children & Mrs Milner		6	0
Widdow Harrison		1	0
Rob ^t Forge, wife, 1 child, 2 servants		5	0
John Harrison, wife & daughter		3	0
John Lindley, wife & 1 child & maid		4	0
Mathew Wilkinson, Tradesman, wife, child	13	0	
Mr. Samuel Barlow, wife & maid		3	0
Christopher Harrison wife, 4 children		6	0
W ^m Prest & wife		2	0
Rob ^t Hill, wife, maid & Apprentice		4	0
Francis Mitchel		1	0
John Simson		1	0
Edw ^d Bolton & wife		2	0
Widdow Bolton		1	0
Thomas Parin & wife		2	0
Mr. W ^m Cotton, Tradesman, 4 children 2 maids 2 appren ^t	19	0	
Alderman Josh ^a Ibbetson, Comissioner	1	1	0
Mrs Ibbetson, 3 children, 2 maids & 1 man serv ^t		7	0
Isaac Noble & wife		2	0
John Ellis & wife		2	0
Thomas Watson & son		2	0
Widdow Dixon & 2 daughters		3	0
Mathew Wroes, widdow & servant		2	0
Joseph Wroe, wife, 2 children & maid		5	0
Sam ^l Wawbron & wife & child		3	0
Rob ^t Watson, wife & child		3	0
Tho: Hudson, wife child & Apprentice		4	0
Widdow Raper		1	0
John Wroe, wife & child		3	0
John Watson		1	0
Widdow Chipping, 4 children, 1 maid, 1 Apprentice		7	0
Mr. W ^m Dodshon, Tradesman, wife, child, 2 maids 4 apprentices	19	0	
John Hardwick		1	0
Jos ^a Dawson, wife, & 2 children		4	0
Edm ^d Greaves, 2 children & 1 Apprentice		4	0
Mr. John Dodshon, Tradesman, 4 children, 1 maid, 1 Ap- prentice	18	0	
James Tennant		1	0
Bryan Brown & maid		2	0
Rob ^t Rayner & wife		2	0
Geo. Watson wife & son		3	0
Seth Shipley		1	0
Mrs Hannah Brearley & maid		2	0

Asses'd p Sa: Ibbetson
 Ralph Thoresby
 Collect^{rs} Christop^r Conder
 Sam^l Atkinson

Confirmed by us
 John Preston Major
 Thomas Dixon
 W^m Massie

You are hereby Required to Collect the
 sume abovementioned and to pay the same
 to the Head Collect^r at the House of Mrs.
 Johnson in Leed^e the 30th of this Instant
 June 1692.

AIRE AND CALDER NAVIGATION.

Honored S^r. I am desired by some Gentlemen of this Corpora-
 tion to acquaint you that (tho' they dare not send a special messenger
 to give you a formall Invitation for fear of disobliging some neigh-
 boring Justices who wou'd expect the like) yet they are very desirous
 of the honor of your Company on Thursday at dinner, y^t being
 appointed a day of rejoycing for y^e Navigation, and my Lord
 Fairfax (who has just such anoth^r Invitation as this is) wil be here
 at the time appointed; when y^e locks wil be first opened, y^r Honor
 being so Servicable in procuring y^e Act of Parliam^t the Corporation
 think themselves under y^e strictest Obligations upon all occasions
 to testify y^e Deference they justly pay to your merit & hope to have
 y^r good Company at M^r Cravens on Thursday at noon. I humbly
 beg y^r pardon for the rudenes of these hasty lines from S^r

Your most obliged humble Servant

Leeds 19th Nov^r 1700.

Ralph Thoresby.

(S^r John Kay of Woodsome Bart.)

JEREMIAH THORESBY'S BANKRUPTCY PROCEEDINGS.

Coppy of y^e 2 Letters about poor brothers concerns.
 To M^r Pochin, M^r Sandford, M^r Foster & M^r Ludlow, of the City
 of London, Merchants.

Worthy Gentlemen—We whose names are here under written
 do beg leave to certify to you at y^e request & in favour of a deserving
 Person M^r Rich^d Idle, Vicar of Rothwell in the County of Yorke,
 our neighbor, that whereas he has thro' several unfortunate
 necessityes contracted some considerable debts, for one part of w^{ch}
 you Gentⁿ (as we are given to understand) are by vertue of a late
 Statute of Bankrupt ag^t his brother in law (M^r Jer: Thoresby)¹ now
 become his Cred^{rs}. We his affectionate brethren & neighbors have
 thro' y^e power of God's good Spirit prevailed with his Creditors in
 these parts to accept of a fourth part of what is due to them in lieu

¹ The Society possesses the walking-cane of Jeremiah Thoresby. It was
 purchased from a descendant named Nicholson Settle, and is inscribed "Jere-
 miah Thoresby 1690."

of the whole, in consideration of his absolute Inability of making them any further satisfaction by reason of the smalness of his vicarage y^e charges of his family & other pressures w^{ch} force him to this Composition, w^{ch} otherwise out of a true principle of worth & honesty, we verily believe he never would have offered it. Wherefore besides this our Certificate we take confidence worthy Gentlemen of laying this Christian act of his Creditors before you as an Example of Excellent Charity, humbly recommending his case to your Comiseration as a means of gaining to your selves an abundant reward from God for your like Benevolence to him & heartily wishing it you as we desire to be. Your much obliged & most humble servants.

Jo: Killingbeck, vicar of Leeds.

Leeds June 1701.

Gilb^t Atkinson, Rect^r of Medley.

S^{rs}—Amongst y^e papers relating to M^r Jer: Thoresby's affair you have we understand a bond of M^r Rich^d Idles, vicar of Rothwel, who is a very honest worthy man but the disagreeableness of his Family & Benefice (the former being very great & the latter very small) has brought him great Inconveniencye & rendred him incapable of paying his Creditors, therefore he has compounded with them here for 5^s p^r pound & offers to pay you y^e like composition w^{ch} we are very wel assured is as much as his ability wil allow, therefore we desire you to comply with it & to send the bond wⁱⁿ M^r Idle is concerned to M^r Milner or who else you think fit with Authority to receive the said composition. And we must further tel you that we are very much dissatisfied that you have not before this time discharged y^e trust reposed in you as assignees fo^r M^r Jeremiah Thoresby's estate w^{ch} we impatiently expect a just acct^t of, wth particulars of your receipts & disbursmt^s that a dividend may be made of what remains in your hands we desire a line in answer hereto & remain Sirs your humble servants. Wm. Milner, Bright Dixon, John Penrose, Dor: Browne, Bart: Tr . . ., W^m Beetham, W^m Kent.

Copy of M^r Kirks Letter to D^r Hook at Gresham Colledge.

Sir. Having met with nothing of Curiosity since I last saw you made me defer giving you any trouble, but now being desirous to recomēd a Gentⁿ to you who is y^e bearer of this Letter, I could not omit y^e occasion, & now give me leave to acquaint you who this is, viz^t M^r Ralph Thoresby of Leedes who was admitted of y^e Royal Society ab^t 2 years agoe, you have seen several of his Letters in y^e Philos: Transactions. He is a Gentⁿ of great Curiosity & genteel Learning, but his more i^mmediate Talents lead him to Antiquitys. I desire you would please to admit him some Evenings into y^r Company & yⁿ you wil stand in no need of my Character of him, & I hope upon his return (w^{ch} wil be very shortly) he wil bring me y^e good tideings of y^e perfect recovery of your health w^{ch} wil be very acceptable to Your affectionate friend & humble serv^t: Tho: Kirk.

Cookridge y^e 6 June 1701.

LETTER FROM HENRY PIERS¹ TO THE
REV. JOHN KILLINGBECK.

Sir. Not without the greatest unwillingness and shame that I am thus troublesome to you after being once refused but the case is soe with me y^t I can't avoid intreating (since you say you can't spare soe great a sum as five pounds) that you¹ be soe kinde as supply me with what you can spare if it be but 3^l for I have been Dund for money by M^{rs} Iles for my board and cannot [? meet her] demands by reason of being disappointed of a bill and ashamed to aske any one to lend me. I have reduced my selfe to less then 20 shillings. I would not be thus importunate wth you but y^t I am loath to lett any other know how little I have at present to subsist on and know you to be a person of more hon^r then to expose my necessitys, if M^{rs} Killingbeck could be perswaded to spare such a sum of five pounds & would doe me an inexpressible kindness and tho' I am a stranger I assure you I have more honour & honesty than to defraud you and promise you on my word & honour & y^e faith of a christian y^t what ever you or she shal be pleas'd to lend me shal very gratefully be return'd before I leave Leeds . . . [15 lines more].

S^r your most humble srv^{tt}

Saturday June 18th 1710.

Hen. Piers.

[Addressed:—To the Rev^d Mr. John Killingbeck Vicar of Leeds.]

THORESBY'S DIARY

(omitted in the Diary ed. Rev. Joseph Hunter).

9 June 1701 morn: begin my Journey for London in behalf of my poor brother, y^e Lord give me good success, preserve me from sin & dangers & in due time suffer me in peace & comfort to my poor family which I commit with soul & body, & al that is near & dear to me to thy most favourable protection, w^{ch} I humbly implore for the blessed Jesus X^s sake. From Hundsslet by bel hill (wth a delicate prospect) to Lofthouse w^r met with brother Idle (of whom rec^d four ginnys in part of Charges) at Wakefeild took D^r Radcliff's² neice into y^e coach & a sickly young man, in our way took notice of y^e ancient Chapel upon y^e bridge & at a little distance low hil, but more truly loe hil [] thence by Agbridge (y^t gives name to y^e Wapentake) had a prospect of Heth hall y^e seat of S^r John Dalson's & M^r Shelton's pretty house on one hand & Sandal towne y^e ruins of y^e Castle on y^e other, afterwards by Crofton, a little towne but large living, thro' Fowlby, & Nostal is famous now for y^e good old Lady Win as of old for y^e Religious house there, then thro'

¹ Thoresby, in his Diary, 7 June, 1708, states: "Finished the perusal of Sir Henry Piers's very ingenious Description of the County of Westmeath, a valuable manuscript given to me by his grandson a Baronet of both his names who obliged me with several kind visits."

² Dr. John Radcliffe (1650-1714) was born at Wakefield. Fellow of Lincoln Coll., Oxford. Physician to Queen Anne. Radcliffe Infirmary and Observatory were built out of his estate.—D.B.N.

Ragby afterwards had a view of M^r Lowther's of Ackworth park lately famous for a virtuous old Lady (Qu. ye Epitaphes) thence by Emsal & Wampole, Stubs & Wampole to y^e Roman Rig w^{ch} met y^e great road from Ferrybridge, see at a distance Adwick in y^e street (Adwick sup stratum in M^r Perkyns MS. life of Jesus) w^r M^r (Blank) y^e present Incumb^t has built an house for himselfe & successors & w^{ch} M^{dm} Savile endowed &c. & M^r Washington house (Qu. M^r Molesworth), ov^r several bridges to Doncaster w^r dined & took in D^r Atkinson Rector of Kingsthorp by Northampton, thence to Bawtry (famous for milstones) w^r we entred upon Nottingham^s by Scruby and to Barnby on y^e More w^r we lo[d]ged, but sate up full late with parson Atkinson¹ of Medley & his brother D^r having a chamber fellow found it too hard to get a convenient time for retirement. As to this morning while beyond Shirewood Forrest had a prospect of Houghton a seat of the Duke of Newcastle, by y^e noted Eel py house we passed thro' Tuxf^d had a distant prospect of Lincoln minster, thence by Carleton & Cromwell ov^r Muscam bridge had a prospect of Lord Lesimton's seat, to Newark, w^r took in M^{rs} Gascoigne a great object of compassion by reason of her sickness . . . thence by Long Billington to Grantham w^r we dined, had a prospect of y^e Earl of Rutland's pleasantly situated Castle of Belvoire after by Gunerby on y^e hil (at which distance from a pretty house of Esq^r Cholmley's at Easton) & Colesforth to bridge, Casterton w^r in y^e churchyard I found an old Roman monument, had a pleasing passage by y^e Roman way to this day very entire in many places, to Stamford 44 miles, w^r we lodged, found an Indisposition in my head thro' y^e hurry of y^e track in walking.

11—is much abaited this morn: blessed be God for al mercys &c. received, in coming from Stamford had y^e views of 2 noble Houses of y^e Earl of Exeters . . . thence by Wansforth in Engl^d afterwards had a view of Peterborough minster then baited at Stilton, thence thorow Stonegate note (a noted place for Robberys) to Ox'onbury & thence to Bugden w^r dined, went to se y^e Bp. of Lincoln's Pallace there, but y^e Coachman would not pmit time to view y^e church w^r the late Excellent Bp. Barlow lys interred as wel as y^e famous Bp. Sanderson, thence by Doddington, had a prospect of St. Needs & Aynsbury, thro' Eaton, weavers of lace . . . to Thames ford & thence to Biglesworth in great time but could find nothing worthy of remark except y^t y^e churchyard (converted into a Bleaching spot) was lock'd up as wel as y^e Churches in other places . . .

12. retired & . . . passed thro' y^e noted bad lanes (for so they were even in this fair season) to Bolsa w^r see an Inscription upon an Hospital erected by M^r Wrane a Citizen of London but could not have time to read it, thence to Stevenage at y^e end of w^{ch} town were 5 or 6 little hills y^t pre . . . emed artificial Barrows or sepultures &c. Qu: if any ano^t of y^m in [thence] by Robbery

¹ Gilbert Atkinson, Rector of Methley, 1687 to 1708, when he was accidentally shot in the thigh. See *Methley Register*, ante Vol. xii, p. 137.

wood (so called from y^e wicked fact co^monly [commi]tted there from w^{ch} our gracious protector preserved us) to Welton [which has] no steeple to y^e Church by y^e bell being hung on a tree in y^e yard . . . Park surrounded with a noble brick wall was for¹ to Hatfield, w^r dined, went to view y^e Earl of Salesbury's noble house & Tomb in y^e Church w^{ch} wants Inscription, but transcribed some others, thence over Enfeild chase to Barnet (had a prospect of Harrow on y^e hil) and Highgate, walked before y^e Coach to transcribe the benefactions of our Countrymen S^r Roger Cholmley & Abp. Lauds, thence thro' a pleasant country ful of pleasant Country Seats & vills by [blank] to London, blessed be God for merciful protection &c.

13 June 1701, morn: rise pretty early, retired . . . yⁿ walked to Grays Inn, discoursed nephew Wilson,² abt. Mannor concerns, left y^e writings with him, got his Company to Westminster but found my Lord Abp. of Yorke in a violent fit of y^e Stone w^{ch} seized him about midnight, thence ferried over to Lambeth visited y^e most obliging M^r Gibson,³ who shewed me the Library & rest of y^e noble Pallace with y^e Gardens walks & met there also with y^e Ingenious M^r Wailey, I then went to see the House of Lords w^r were y^e Bps. of Sarum & Norwich, but there being many other Lords present I made no addresses to them, aft^r at the house of Co^mons saw several noted members, was wⁿ my Lord Fairfax was much concern'd to observe so strong a ferment, Lord give a healing Spirit & prevent deserved ruin w^{ch} threatend by these proceedings as wel as meritted by our sins, afterwards visited y^e obliging M^r Evelyn who shewed us several curiositys, paintings &c. some done by his Relations, in return cal'd at y^e Temple Coffee house to meet wth some gentlemen of y^e R.S. & at M^r Strettons⁴ but missed at both places, returned home sufficiently wearied so retired . . .

14: morn retired . . . then to consult M^r Stamper about poor brother's concerns, after by water to Westminster to my L^d Abp. of York's lodgings w^r his Grace is yet very badly in y^e Stone, y^e Lord in much mercy recover him for the good of y^e Church &c. yⁿ visited the Dean of Yorke wⁿ complimented by S^r Rob^t Southwell, after visited D^r Fairfax my L^{ds} uncle & his Ingenious son, Mr. Bryan F: returned by Hatton Garden, dined with good M^r Stretton from whom (as also from y^e Dean . . .) has a dark prospect of affairs, Lord pitty this sinfull & self destroying nation, went aft^rwards to M^r Pochin & Ludlows, ab^t poor brothers concerns, Lord give a

¹ Bottom of page in bad condition.

² Probably either his relative, Lawyer Richard Wilson, see *Diary*, 1910-11, or a son of Tho. Wilson, Thoresby's brother-in-law.

³ Afterwards Bp. of London, 1720-48; Bp. of Lincoln, 1716-20; Fellow of Queen's Coll., Oxford; Librarian at Lambeth. He was a great friend to Thoresby. See his biography, by N. Sykes, *Oxf.*, 1926.

⁴ R.S. (Royal Society). The Rev. Richard Stretton was first Minister at Mill Hill Chapel, Leeds, 1672-77, and was very friendly with Thoresby. He died 3 July, 1712, aged 80, and was buried at Bunhill Fields. See his life and funeral sermon *ante* Vol. xi, p. 321.

good issue in thy due time, after to visit M^r Jos: Jackson formerly of London & ye ingenious M^r Archer but surprised at ye notice of his death on Thursday læst, L^d sanctify al memantos of mortality. Even writing Letters to M^r Boyce & books, sate up too læte til 12 reading Bp. Burnet.

15 die dom: morn: read a litle in Bp. of Sarum MS.-sermon upon y^e Peace, after walked to Westminster w^r heard an exel^t Sermon at y^e Abbey Church tho' ill put to it by y^e mangling y^e excellent prayers of y^e church by y^e singing & Organ . . . but D^r Dent one of y^e Prebends prayed piously & preached excellently from Hebr. 1.1 concerning y^e nature of Faith in y^e General, as it is persuasive & convictive of y^e Truths revealed by Jesus & 2. y^e grounds & principles of faith as in y^e certainty of things above National reason, w^{ch} would have left us in perpetual mazes of Philosophical Searches always seeking & never finding. Practical Impressions as y^t true Faith consists not in a bare profession of beleifs, for y^e very Devils beleive & tremble & y^e most wicked man cannot but assent nor doth it consist in y^e needs & disputes of y^e times, or in modes & learning but in y^e practice of y^e substantials of Religion, Ev^gangelical Truths, or wⁿ some new hinder us from y^e ful fruition or vision of our faith y^t has ye light of Revelation, justly declaiming ag^t y^e Deists & Socinians can any confes Jesus & yet deny y^e divinity of the Son of God! our Incredulity is y^e cause of al distractions in all our publick Councils & more private Societys & indeed of al y^e wars & Comotions of Europe &c., he preached excellently & tho' I heard not so wel as I wished yet I was affected, y^e Lord give & consecrate this necessary grace of faith. Dined at D^r Fairfaxes (uncle to y^e present L^d F.) enjoyed his & his ingenious son converse as also y^e obliging M^r Gibson who prayed & preached excellently from 1 Pet^r 4.3 let it suffice to have enough of y^r honesty—if this argument was of forme wil y^e teachers, much more is it strange in respect of X^{ns} whose sins are not ag^t Reason only but y^e clear light of Revelation, this must concern those y^t are going on in a course of open wickidness & 2 y^e lukewarm & indifferent Xⁿ who tho' not so openly prophane yet is in no les dangerous a condition. 3. those who are so busyed ab^t the concerns of this world y^t they cannot find leisure to mind the concerns of Etern^y, but let it suffice to have spent so much time already in the service of sin, & let us doubt our diligence for y^e future, y^e longest life husbanded with y^e greatest diligence is time enough for y^e concerns of Eternity, how yⁿ can no indifferent lukewarm Xⁿ rest not upon y^e time spent in sin wthout y^e greatest horror [17 lines omitted] God help me to practise accordingly, after Sermon walked quite thro' y^e City to y^e Tower hil to advise a son & daughter of y^e late worthy Ric^d Hurd at his widow's request, returned wel weary read part of Bp. of Sarum's MS. Sermon & before prayer.

16 June 1701 morn: retired . . . yⁿ walked to St James's (y^e late Duke of Gloucester's house) to wait of ye Bp. of Sarum (who was busy ab^t an hour expounding y^e scriptures & praying wth his

family w^{ch} I learnt from his attendants is his daily practise) but found y^e Dean of York was wth had some instructive converse til y^e Bp. came who was extreemely courteous & obliging & showed me y^t very original magna Carta und^r King Johns seal . . . aft^rwds waited of y^e Dean to se ye Learned Mons^r Spanheim¹ Envoy for y^e King of Prussia (author of y^t curious Tract de usu et prestantia Numismatum) who after a most courteous reception laid me under an obligation to shew him my Catalog of Coins . . . we after visited y^e obliging M^r Evelyn y^e ingenious author of many curious tracts & one of y^e founders of y^e R.S. afterwards hasted to y^e Exchange about poor brothers concerns, dined at M^r Stampers a native of & benefactor to Redwel parish, who very kindly assisted me in this perplexed affair, we met with a very rough ent^rtainmt at M^r Sandfords w^{ch} just sunk me, but somew^t revived with M^r Ludlow's kindnes, M^r Pochin & Fost^r being yet out of town, I visited y^e obliging M^r Jo: Houghton author of y^e Collecters for Improvement of businesses & Trader & M^r Stamp rest of day & even: had also M^r Pitman company, member of P^arlia^ment, of y^e R.S. who gave us an acc^t of his comp. transactions in y^e house y^t to me are melancholy, Lord pity us. Even: read rest of Bp. Burnets sermon upon y^e Peace before prayers.

17 morn: writ heads of yest^rdays meet^s & Sermons before private prayer, yⁿ at nephew W^s at Grey's Inn, returned to y^e Lecture at Salters hall, M^r How preached excellently from 1 Thes. 5:6 concerning sanctity. 1. a prohibition not to sleep. 2. a specification as do others, w^{ch} he explained negatively shewing y^t it is no warrant for us so possitivly y^t it is a warning to us not to do so insisted chiefly upon y^e 1 prop: y^t this unconverted World is universally asleep [25 lines omitted] he preached excellently, y^e Lord help me to profit, afterwards at ye chop house, yⁿ got Mr. Stampers kind assistance at y^e exchange, to speak to M^r Doctor Sanford, was under discouragem^t wth y^e severity to poor brother, afterwards at Gresham Col. to visit y^e Ingenious D^r Hook, not a happiness of ye Deserving af^r picking up M^r White's² Majestas Intemerata in Morefields, afterwards with M^r Spademan upon M^r Hills acct: Evening til late writing to Mr. Th M^r Hill & Alderman Milner ab^t poor broth^r perplexed concerns, Lord give good successes and in due time grant a comfortable period y^t unto, read as before.

18 June 1701 morn, writ heads of M^r Henry's sermon before private prayer, writ to M^r Nevile at Oxford, went by water to Lambeth enjoyed D^r Fairfax and M^r Gibson's company heard ye final Determination of ye Bishop of S^t Asaph D^r Jones matter concerning supposed symony, tho ye prooffe not being so full as ye Law

¹ Baron Spanheim. Thoresby's interviews with, Diary (i, 339; ii, 37).

² Jeremiah White (1629-1707), Chaplain to Cromwell; B.A., Trinity Coll., Camb.; M.A., 1673; Domestic Chaplain and Preacher to Council of State; left religious writings published posthumously; wrote account of sufferings of Dissenters after Restoration, not known to be extant. *Dict. of National Biography*.

requires he was suspended for 6 months. The six Bishops present giving their respective assents beginning at ye youngest D^r Williams Bp. of Chichester D^r Fowler of Gloucester, D^r Cumberland of Peterburgh, D^r Hough of Lichfield, and D^r Compton of London and ABp Tenison of Cant: of wh ye London and Lichfield were ye severest upon him—al manifested great concern for ye scandal of Religion, yet tenderness for ye Bishop who was present.

Ye ABp lamented it y^t in his time, this was ye 2^d of his brethren (ye previous was Bp. Watson of S^t Davids) that were publicly conferred to ye great Scandal of ye Church of God and Jus. . . . dined at Cosⁿ Dickonsons¹ afterwards was with ye Dean of York at Gresham College where according to custome subscribed and entered my name in ye roll in ye book and was formally admitted by Sir John Hoskyns in ye name of ye Society, and af^r compl^d by D^r Hook, D^r Woodward, Sir Robt. Southwell, D^r Sloan, M^r Hil. They were discussing of some Hieroglyphical figures newly commentated giving aim and ye order of ye Egypts mummies embalming and several learned and Ingenious discourses, in ye constitution M^r Pilson shewed some Curiositys lately rec^d from ye Indies. D^r Woodward afterwards most obligingly entertained me in his apartment and shewed me a Roman shield with ye story of Brennus curiously enchased upon it, and other valuable Roman monuments of w^{ch} ye Dean &c. discoursed very learnedly, Sir Geo. Wheeler made a visit at ye same time whose company we enjoyed with other gentlemen of ye R.S., til evening within writ.

19 Morn, retired, then went to Westminster to visit our learned Dean, and thence to Dock Street to ye obliging M^r Evelyn, whose too great civility made me uneasy in leaving me with several parcels of curious Gold medals &c. which I was concerned at bec: ye servant maid went into ye room before her putting ym up, and if she or any other p'son temp[tation] shed before them, another being ye innocent may be blamed²—returned to ye Exchange wⁿ discoursed M^r Sanford abt poor broth^r concerns and for an acct., was af^r at M^r Price's and M^r P's to get coppys of ye accts., went by water to Westminster to visit of my L. ABp. who has not yet voided ye stone yt has occasioned so sore a fit. His Grace very graciously gave me a private Letter to ye London Cred^r on behalf of poor brother Idle and told me ye £40 he had writ abt. should be ready and when I was concerned that my petition should be so burdensome he would not admit of any apology but said he was only prepared to dispose yt for ye good of others kin, in returning visited D^r Sloan ye obliging Secretary of ye R.S. and aft. forced to go to ye chophouse in ye evening where in a dish Col[lection] I had parted with a Ginney instead of 1^s and thro good hap recovered it.

¹ Cosⁿ Dickonson, the relation with whom Thoresby stayed in 1677 when the Diary was begun. There is an amusing letter in vol. xxi, p. 17, Thoresby Publications, from him to Thoresby relating to the purchase of the latter's wedding suit.—E.H.

² This sentence is rather vague: Thoresby appears to be much agitated at the thought of any of the medals being missing and the possibility of being implicated in the matter.

Evening within thoroughly wearyed and read little retired.

20th morn, retired, then again at M^r Price's broth^r about broth^{rs} concerns but disappointed, then at M^r Ludlows and aft. at M^r Sanfords, thence walked to Gresham College viewing some of ye Curiositys in ye Repository, aft. heard M^r How who preached excellently from I James [17 lines omitted] Lord help me to profit—afterwards again at M^r Price's broth^r who denyed so that being again surprised went to beg M^r Stamper's assistance yn at D^r Woodward's at Gresham Coll. where dined with M^r Borridge and he shewed us curious editions of most rare and valuable books. Afterwards came down by Warrington Butts, Stockwel wh^r is a church, in a tree 15 Yards about w^r has been said prayers to have been read—thence by Stretham to Croydon to visit my good old friend ye Ingenious & pious M^{rs} Madox¹ whose company I enjoyed, in ye evening retired.

21 morn, retired, yn to visit ye Church built of Flint, Stone & Chalk w^r are interred several of ye ABps. of Cant: transcribed ye Epitaphs of 3 famous Prot. Bps. and Benefactors vizt. Grindall, Whitgift² (Eboracensis natu), Sheldon—yn to view my Countryman ABp. Whitgifts Hospital and Chapel—Afterwards enjoyed my good old friend's company and Cook, whom I appret. to be a final leave but with hopes to meet in an infinitely better Eternity—yn returned by ye sd stage coach for London, went immediately to M^r Sanford but find nothing but delays yn at M^r Pochins etc. afterwards to visit Cosⁿ Dickonson yn within writing letters to my dear, D^r W., M^r afterwards to brother Th and M^r B. D. about my own and their concerns. Lord give me a comfortable period of all perplexing affairs in thy due time—ye Lett^{rs} kept me til late, yn was too heavy in prayer Lord pittty.

22 June 1701 Die Dom. morn read in Bp. Burnets MS. before prayer yn heard ye Excell^t M^r Stretton who preached very well from 4 Jo. 13.14 born again of wisdom [17 lines omitted]. Afternoon heard M^r Spademan who preached very well from I Cor. 13.14 against ye Epicurean and Sadducean error which strikes me as very sound advice [19 lines omitted] af^t Sermon in ye vestry enjoyed a little of M^r How and M^r Spademan's company & af^{tr} walked to ye far end of Dyot Street in S^t Gyles in-ye-fields to M^r Cotton's master soe respected of him. M^r Scot preached wel in his absence but I had not time to write ye heads, visited M^r Cotton a native of India, returned full weary read a little before private prayer.

23 morn—read, retired, yn at Cosⁿ Dickonsons to get his assistance in my dearest dear's concerns, then walked to ye obliging D^r Woodward's at Gresham Col. thence took a long walk to ye Pel Mel to visit of Mons^r Spanheim Envoy from ye King of Prussia who was

¹ Mrs. Madox, mother of Thomas Madox, Historiographer Royal. She was sister-in-law to Cosⁿ Dickonson. She died in 1704.

² John Whitgift, D.D., was of the family of the Whitgifts of Yorkshire, of considerable antiquity. He is said to have been born at Great Grimsby in Lincolnshire.

very glad of ye Cat: of my Coins etc. and received me most courteously but we conversed in a good broken English, thence to D^r Fairfaxes in Westminster thence returned to ye Exchange w^r discoursed ye Salters abt. poor broth^{rs} concerns and ye Country Cred^{ts}, found miserable delay M^r Sanford having not returned ye books &c. to M^r Pochin as he promised, yet after a long argument with M^r Pochin at his own house, I was forced to return to M^r Sanfords & af^r discoursing him again at Pochin's yet nothing done but a promise to meet me to-morrow at his lodgings then after a turn at ye chop house I walked to Temple Coffee house & thence had a jading walk to Bloomsbury Square yet missed of D^r Sloan with whom a link in ye evening at ditto Coffee house read a little before retiring.

24 morn, writ part of Lds. Days sermons before prayers, then walked to Holborn wh. happily met with ye Ingenious M^r Wauley¹ who has attained so admirable a dexterity in imitating of any writings etc. who shewed me ye different MS. Charters of several ages and Countreys and a specimen of modern gilding which resembled that in ancient MSS. which was apprehended to be lost, and showed me also part of his Cat: of ye Saxon MSS. to be inserted in D^r Hicks² Saxon treatise to visit whom he wished to go along with me but I chose to ye Cotton Library.

NOTES, ETC., BY RALPH THORESBY.

Mils upon Sheepscar beck are: 1. at Adel, 2 at Adel smidys both Esq. Arthingtons, for corn. 3. At Westwood, Mr. Foxcrofts, for fulling cloth. 4. Hedingley moor, corn mil, Mr. Walkers. 5. At the ridge, a fulling mill. 6. At the Ridge, a Redwood mil: Mr. Saviles of Medley. 7. Scot mil for Corn ditto, Esq. Saviles. 8. the Rape Oyl Mil at Leedes.

The Camp at Adle is about 5 chains, each side (a chain 22 yards long), the agger is yet 22 feet high.

Rec^d this 27th Oct^r 1702 of M^r W^m Milner & Ralph Thoresby, Ten pounds of Brazill, valued at Ten shillings, w^{ch} sum of Ten shillings I do oblige myself to pay to them or either of y^m if demanded.

Witness my hand

Thomas Johnson.

¹ Humphrey Wauley, afterwards Librarian to Harley, Earl of Oxford.

² George Hickes, D.D. (a native of Kirby Wiske, N.R. of Yorkshire), published at Oxford, in 1705, a stupendous work entitled, "A Grammatico—Critical and Archaeological Treatise of the Ancient Northern Languages," in two volumes, folio, Dedicated to Prince George of Denmark. 310 pages of the second volume are taken up by Humphrey Wauley's Catalogue of Anglo-Saxon books, which is an accurate list of all the books and Charters in any of the public libraries, either in Anglo-Saxon or relating to Anglo-Saxon antiquities.

LETTER FROM THOS. KIRKE, JUNIOR, RESPECTING
DR. ROBT. HOOKE.¹

Dr Hook hath left this World & was laid in the earth last Saturday he left behind him (as I am creditably Informed by Mr Lewis his Uncle who was one of his neighbours) in old hammered money 7000^{ll} & upwards & in other money 5000^{ll} in all 12000^{ll} all Locket up in Chests in the House; He made no will so y^t a Caine Chair Maker by Charing Crosse and a Horse Courser being his nearest Relaçons have it all. He designed to have made Sr Christopher Wren, Sr John Hoskins & one Reeve Williams & Capt. Knox Exeçors or Trustees but some accident or other Hindred his Executing of his Will, for it seems there was one made. He was soe lowsy when He dyed that there was no comeing near him & his own Cloathes or rather raggs wrapt him like Searcloth, this is the exit of Dr Hooke. Pray remember me to all Friends which is all at p'sent from Sr

Your Most Obedient Dutifull Son

March y^e 9th 1702/3.

Thom: Kirke.

[Addressed:—For Tho: Kirke Esq. att Cookeridge neare Leeds Yorkshire.]

Note by Thomas Wilson. "This Letter was in Dr Hooks Folio Book which I purchased of Mr Sam. Walker's Widow being the late ingenious Mr Kirks."

DR. JOHN SKELTON'S PRESCRIPTIONS TO
MR. THORESBY

(Endorsement by Thomas Wilson).

(Copied from the original MS.)

Dr. John Skelton was buried in the Leeds Parish Church on the 4th March, 1737, the entry being "John Skelton M.D. vir dignissimus." On the 18th Oct., 1737, the *Leeds Mercury* had the following advertisement: "To be Lett. A Handsome Sash'd House fit for a Gentleman or Merchant, late in the Possession of Dr. Skelton deceased situate near St. John's Church in Leeds. Enquire of Mr Horncastle Apothecary in Briggate."

On July 6th, 1708, the Rev. George Plaxton, the facetious Rector of Barwick, wrote to Thoresby: "I am sorry to heare of your illnesse, a rheumatique is a brave companion and will stick to you as close as your skin, but you have both soul menders and body patchers in Leeds, and I doubt not but grewell and milk porridge, blessed by Dr Skelton, will releive you—if not, take a good dose or two of John Killingbeck's prayers, and be sure that he prays for patience, for that must season your grewell and make your physique work effectually" (*Letters to Ralph Thoresby*, Thoresby Society, xxi, 182). Thoresby did not die until 1725.

Dr. Croft and Mr. W. B. Crump have kindly translated the Prescriptions into English.

Sir—Your Dyett must be of meat of easy concoction & of good iuice, without variety of dishes & strong Sawces without onions, garlik, mustard, horse radich, anchoves & horspices & such things,

¹ Robert Hook (1635–1703), noted experimental philosopher, M.A. 1663, and F.R.S., invented a Marine Barometer (which he described to Thoresby at a Royal Society meeting) and other instruments. See *Dictionary of National Biography*; *Thoresby's Diary*, i, 339, ed. by Hunter.

your stomack must never be overburdened, nor your appetite totally Satiated, you must make but one meal a day, & that at noone & if you eate something at night it must be some light matter & not too late, you must eat nothing till the former meal be concocted. Your bread must be of good wheat with a little Rye, not ouer cleered from the branne, well wrought, fermented & backed, not hot nor new but a day old.

You can eate good broth, small Ale cawdle, mutton, veale, lamb, Capone, chicken, hens, tender beef not too much powdred, yong Turkys, Rabbits, leueret, yong pidgeon, pheasant, partridge, plouer, Thrush, feildfare, larks, sparrows, and all other sortes of birds liuing in woods & mountains.

You must auoide hung beef, Bacon, Gammon, neats tongues, pork, too much seasoned pastyes, broyled & fryed meats, all sortes of water foules.

Fish is not good for you, neuerthesse you can eate sometimes of Salmon, Turbut, mullet, soles, pyke, perche, gudgeons, Trout, Smelt & other sortes of fishes who liue in rivers full of grauell but auoide, Ling, Sturgeon, Carp, tench, Eeles, Crabb, lobster, oysters and all sowed & pickled fish. And when you eate fish, you must putt in the sawce a little of nutmeg, cloues, or cinnamon, according to your palate. Other sortes of meat which are fitt for you, are Milk & euery thing made of milk, Specially old cheese, all Sortes of roots, Salades, fruits, berryes, peases, beans, artichocks, cabidges. At the end of your dinner you must take some times halfe a spoonful of a digestiue powder which is described in the other paper, drinking nothin vpon, if it is possible for a good while after, sometimes you can take at the end of your dinner, a preserved walnutt, a little bitt of quinces, marmelade, a little piece of orange or limon pill [peel] preserued, some few raisins of the sunne, some few almonds. Your ordinary drink must be of good small beer or small Ale of convenient Age, neither too new, nor too steale, if you are dry out of your meales, you can take a glasse of Mede made with Spring water wherein hath been infused some betony & cowslip flower & wrought up with virgin honey. You can drink a glasse of Baulme wine & Cowslips wine, specially Cowslips wine. You must auoide (which is great pittie) wines of all sortes of grapes without the double of water, & if you transgresse that rule let it be moderatly, auoide also too much drinking of Strong Ale, marsh beere, muñ & such strong & heady liquors.

For the air you breath, you cannot auoide Leeds air, nevertheless you must auoide, as much as it is possible, rainy, misty, & foggy air & goeing out of the house too late, & specially when the moone shineth. Your chamber must be clean & the windowes opened when you are not in it, you can adorne your windowes with glasses full of water, with some plantes of minte as it is customary in this Country, your flower can be Spred with some leaues of Sage, lauender, rosmary, if the smell is not to strong for your head. Sleep is not good in the daytime, especially after dinner, neither your night Sleeps

must exceed about seven or eight hours. Your exercise must be in the morning & evening, when the stomach is pretty empty. That is moderate is the best, whether in walking, riding & such like.

Rising Early is very conducive & being up, it is good to comb your head & to have it gently rubbed to open the pores only & to discuss that numbness which remains after sleeping, you can rub the nummed part after with a little of queen of Hungary water & a little round the affected part.

Being ready or before, it is good to have a stool & you must take care that your body be always soluble, and the stomach, lungs & brains kept from being overlaid with excrement & ill humors which will be gathered, notwithstanding the more exact observation.

Therefore being up, you must spit, cough, blow your nose to purge these parts from excrements if there is some gathered in them. If you are constive you must some times take glysters or some little laxative remedy, as conserve of damasck roses with manna, some syrup of stewed prunes with a little of senna & such light purgative. I hope that these rules will be enough for your dyett. And I will not tye you so much as to oblige you to an exact observation, that you will do well to follow these rules, as much as you will be able to do.

For your remedies, it will be very convenient to begin by a letting of blood in the arme of the side you are more troubled. Two days after you must take the Physick which is directed in the other paper, keeping that day the rules which are kept in a physick day.

After your Physick you must take Every morning fasting, for two hours after, at least, three drammes or halfe an ounce of the Electuary, which is described in the other paper, drinking immediately upon three or foure spoonfulls of the mixture of waters, adding at that time, to sweeten it, a little of syrup of black cherries, or of peonys flowers, or of cowslipt flowers, with three or foure drops of spiritus salis dulcis rectificati.

I will tell you the rest according the Emergencies.

The Digestive powder.

Take, of prepared Coriander, sweet Fennel seeds, Aniseed, Cinnamon of each one drachm, Of moschatel fruit two drachms. To be coarsely powdered with a double quantity of confection of roses to make the powder. Half a tablespoonful to be taken after dinner as directed.

The Physick.

Take, of the leaves of the Eastern "mundat" (?) two drachms, of Tamarind one ounce, of poppy root one drachm, of "crassinoule" (?) Rhubarb, of sweet Fennel seeds of each two scruples, of polypody, santal & lemon each one scruple, of mace four grains. Infuse in warm water for a whole night. Of squill, chicory, fumatory & betony each two ounces, strain & dissolve completely. Of syrup of roses & buckthorn of each one ounce, of self-heal one scruple. To be made into a draught to be taken early in the morning as required.

The Electuary.

Take, of preserved sea holly, of preserved moscatel fruit, of myrobolans & lemon peel, each two drachms, of the red rose bark, of marigold flowers and cowslip flowers of each one ounce, to be pounded. Of the bark of sea paeony, of lily of the valley, betony & sage each one drachm, of the powder of "Guttela" one drachm, powder of "diamoschi dulcis," confection of rose & powdered Zedoary root each two scruples with equal parts of syrup of black cherry, sea paeony flowers, cowslip & wild beet, to make the electuary soft. Three drachms to be taken in the morning as directed.

The mixture of Water.

Take of squill water, of vervein four ounces, of betony, of flowers of cowslip, of flowers of the lime tree, of elder & of black cherry: of each one ounce. Mix. To be used as told.

2 June 1695.

For Mr. Thoresby.

LETTER FROM RALPH THORESBY TO
DR. WHITE KENNET, BISHOP OF PETERBOROUGH.

My Lord. I have lately received the Original Will of S^r John Nelthrop with an acco^t of his Benefaction but I beleive y^t all y^t is material was in my MS^t y^t your Lp. gave your self the trouble to peruse wⁿ Yorkshire was honoured with your Presence, if in y^t or any oth^r affaيرة I could have y^e happyness to serve you it would be a great pleasure to me. I wish your Lp. could find leisure to oblige the publick with a 2^d Edition of that most usefull & excel^t treatise y^t I might have y^e pleasure to peruse it before I dy. I have thro' marcy survived the winter, but am very weak & tender. I should be very glad to have your Lps sentiment of the Vicaria Leod: if you have been able to spare so much time from your more weighty affairs as to peruse it, & am sorry y^t my circumstances & the hardness of the undertaking for printing it do not allow me to present one to so highly deserving a person but I have not yet so much as one for myself or my son the vicar of Rickmansworth, but what I buy. If it should be so fortunate as to meet with your Lordships sanction it would be a revival to,

My Lord, Your Lordships most obliged humble Servant

Leedes 25 April 1724.

Ralph Thoresby.

The last week I rec'd from my old friend Wil^m Gilpin Esq. the impression of a Roman signet found at or near his Seat at Scaley Castle by y^e Picts wall & w^{ch} I more value y^t . . . y^e Signet ring y^t an Ald^man of Newcastle chanced to drop from his finger from y^e bridge into the river of Tyne, & w^{ch} his servant found in the maw of a Salmon in a few days after. D^r Fuller & the author of y^e vox Piscis give an acc^t of this accident.—The ring is to this day preserved in the family from whence this pious & ingenious Gen^t sent me the Impression.

[*In the margin*] I beg pardon for y^e enclosed & humbly request y^t one of your servants may put it in the Posthouse wⁿ he delivers other letters.

Address [For the Right Reverend Dr White Kennet Lord Bishop of Peterborough at the house of Peers, Westminster, London.]

Endorsement by Thomas Wilson, F.S.A.:—"This Letter was found in the Bishop's Copy of the Ducatus, and sent me by the ingenious Mr Geo. Thornton from London."

"This Letter shews the decay of Nature in our industrious Antiquarian, he died 16 Oct^o 1725. The Printer of the Vicaria imposed upon our Antiquarian when he got the MS. by keeping the whole Impression for his Charges. He also got the Plates of the Map 20 Miles round Leedes with the Survey of the River Air and the Prospect of S^t Peter's and never returned them. The Printer over-rated them at 6^s a Copy so they stuck on his Hands. After Mr Thoresby's Death he sent a parcel of the Copies in Sheets to Mr John Swale, Bookseller at 4^s a Dozen who bound them sold them in Auctions and lost Money by them. I bought 2 Copies bound in Calf for 2^s."

At the end of the long MS. catalogue of Coins &c. Thomas Wilson wrote these words:—

"This is Mr Thoresby's Original Catalogue of his Coins and the following Papers of his I purchased of his Widow." The letter to Bishop Kennett is inserted between the MS. Catalogue and "Additional Notes upon the Saxon Coins for a designed new Edition of the Britannia at Dr Gibson request."

Note by Thomas Wilson.

On Ascension Day and the two next Days following 1760 a Compleat Perambulation was made of the Boundaries of the Parish of Leeds by the Vicar, Curates, Church Wardens, Chapel Wardens Constables and Richard Wilson Esquire and other Gentlemen.

LETTER FROM THORESBY TO REV. THOS. BAKER.

This letter, which has been presented by Mrs. Frank Gott to the Society, is written on the reverse of a printer's proof-sheet of the *Ducatus Leodiensis*, which commences with the heading of page 1 and continues with the heading "Ossenthorp" on page 109 and ends with "write it Ossinthorp (d)."

Reverend S^r. The Candour of some friends who have entertained too favourable an opinion of my poor labours, has occasioned this paper, w^{ch} I presume to send you bec: you have form^ly exprest y^e kind wishes to have it published, I request y^t if any of your acquaintance should be inclined to subscribe, it may be upon my proper acco^t, for tho' it be y^e same rate to the Subscriber, yet it will be a kindness to me, who am obliged to procure 200 to quit me of the charges of engraving y^e prospects of the Churches, Arms &c.

My Service pray to Mr Goodwin. I wish I could tell whether his Honour Wentworth has taken any disgust at me or it be only a multiplicity of business y^t prevents his writing, none could be more obliging w^h I was at Wentworth Woodhouse, yet I cannot have y^e favour of a line tho' I have writ twice, several persons of eminency

from both Houses of Parl^t (& particularly Sr Arthur Kaye to whom I wrote not til afterwards) have favoured me with very civill returns, y^t I could be glad to know whether I have undesignedly given any offence to his Honour, who Mr Goodwin told me would subscribe for a whole set for himself and relations, if he do not, there will not be one for the long pedegree of y^t ancient family, for I am not known to the present Earl of Strafford. I ought not to lay a temptation before you or any of your friends to throw away their moneys, only if any be enclined to venture it I wish it may be as above express'd for Sr

Yours obliged humble serv^t

Leeds 24 March 17/ 11/12.

Ra: Thorsby.

Please to pardon hast.

If this matter succeed & I take a London Journey to correct y^e press I shall scarce be able to deny my self y^e satisfaction of waiting upon you at Cambridge.

Addressed "For The Revrd Mr Thomas Baker,¹ BD. Fellow of St Johns College in Cambridge. p' Post paid 4^d."

JOHN HARRISON AND BARON THORPE.

Mrs. Frank Gott has kindly allowed the following Letters to be printed by the Society. Dr. Whitaker, in his *Loidis and Elmete*, page 161, states that "At Bardsey Grange, during the usurpation, occasionally resided Francis Thorpe, baron of the exchequer, of whose character the letters of Mr. Harrison have already left so unfavourable an impression in the minds of my readers. To this place he withdrew when divested of power, and here he died, and was buried, without any other record than his tyranny and tergiversation left imprinted on the minds of the next generation." Baron Thorpe was buried at Bardsey 7th June, 1665. The letters of Mr. Harrison referred to by Dr. Whitaker are printed in the Appendix to his *Loidis and Elmete*.

The Seal on the Letter contains a Crest (*A Demi-lion grasping a Cross*) surmounting a shield, with the Arms of Layton (*A Fesse between six Cross Crosslets Fichée*) quartering Brown (*A Chevron between Six Fleurs-de-lis*). Francis Layton married Margaret, daughter of Sir Hugh Brown, Knt., Citizen of London.

Si^r

I sent the Baron the original of this Copy & he will not faile to be here on wednesday morning next, god grant me patience when he comes, if you^r Leasure would pmitt to bee here, it might doe much good, but his Coming must not bee knowne to any, because he will take vs vpon a sudden, if your son chance to be at Bardsey to morrow or Tewsday he must not soe much as name it to him, or take notice of it, neither may you^r selfe nor your sone meet him in the way to ryde alonge with him hither except envited by him, but I desire you will bee at Leedes in the morning to see how you^r son likes of his Landlord & if the Baron chance to Inquire how you chanced to be here that may be you^r answer, I haue not another copy & therefore entreat you to returne this by this bringer & Lett

¹The Rev. Thomas Baker (1656-1740) was an antiquary, was educated at Durham, held the living of Long Newton which he resigned as a non-juror 1690, resigned fellowship 1717, and left in MS. a history of Cambridge, etc. Mr.

me know if M^r Hitch bee returned the rest is the welwishinge of
Si^r You^r cordiall Servant

Leeds Sunday morninge
the messenger came but from him yester night at 9 a clock.

John Harrison
[Founder of St Johns Church in Leedes & oth^r noble Benefactions—*Note by Thoresby*].

Addressed "for the wo^rshippfull Francis Layton Esquire present.

S^r I think yo^w will prove Coniurer in yo^r old age, for I knowe noe man (that ys a strang^r to him as yo^w are) that could haue raysed this spiritt to wait vpon his will, as y^t seames yo^w haue done. As for me I will obay yo^r command^e God willinge. But my sonn goes to morrow into Richmond Shire and yo^r w^t lyke to see him till the Assize weeke att Yorke. M^r Hotch has not yett come home but his wife expect^e him this next weeke—Soe rest^e
Y^r freind hum' servant

1650.

Fra: Layton.

[of Rawden Esq^{re} Founder of the Chapel there, a Master of y^e Jewel house to K. Ch. 1. se Duc. Leod p. 263. *Note by Thoresby*].

Goodwin may have been the Rev. George Goodwin, Rector of Methley 1708; see *Methley Register*, ante vol. xii, p. 137. Sir Arthur Kay was of Woodsome, 3rd Bart., M.P. for Yorkshire. For Notes on the Ducatus see D. H. Atkinson's *Thoresby, his Town and Times*; *Letters to Thoresby*, ante vol. xxi; and *Thoresby's Diary and Letters to him*, ed. by Rev. Joseph Hunter.

D. H. Atkinson in his book, *Ralph Thoresby the Topographer, his Town and Times*, on p. 411, vol. i, gives an extract from the *Review* describing the London visit in 1701. It is not quoted by Hunter.

Notes on an Armorial Window at Adel Church.

By W. B. BARWELL TURNER.

The ancient church of Adel is visited by thousands of persons during the year, but few are aware of the existence of a very beautiful example of seventeenth-century art, which is scarcely to be wondered at as it is inaccessible to the average visitor, being hidden away in the vestry. The ancient east window of the church was removed to that place by that late eminent architect, Mr. G. Edmund Street, who was responsible for the restoration of the building nearly fifty years ago.

The window is filled with painted glass designed by the celebrated York painter, Henry Giles (or Gyles), who did much to restore the art in this country when it was almost lost, and whose designs are to be found in the Guildhall at York, and some of the college chapels at Oxford and Cambridge. The principal subject of the Adel window is the Royal Arms of Charles II, which fill all three lights, and depict the royal achievement as borne by our sovereigns from 1603 to 1688, and by Queen Anne until the Union with Scotland in 1707. The shield is divided into four grand quarters:

I and IV.—Quarterly: 1 and 4, *Azure three fleurs-de-lys or* (France),
2 and 3, *Gules three lions passant guardant or* (England);

II.—*Or a lion rampant within a double tressure flory counter flory gules* (Scotland);

III.—*Azure a harp or* (Ireland);

the whole shield being encircled by the Garter of the order, and supported by the lion and unicorn. Above the royal arms are three shields:

(1) *Per fesse or and gules, a lozenge counter-coloured, on a canton azure a lion sejant or. Crest: An arm in armour with the elbow piece gold, holding in the hand a gold-hilted sword* (Kirke).

(2) *Argent a cross potent gules between four torteaux. Crest: on a helmet coloured blue, a demi-maiden proper* (Brearey).

(3) *Sable a fesse between three escallops argent* (Arthington). Over the shield is a portion of mantling.

There is an excellent illustration of the window as it exists at the present time in the Rev. W. H. Draper's work, *Adel and its Norman Church*, p. 97.

The window has obviously been disarranged on being reset in its present position, as the royal crown and crest are placed in the uppermost part of the centre light, the arms and crest of Brearey being interposed between the royal crest and arms. In the centre light, below the royal arms, is the crest of the Arthington family, *a dove holding an olive branch in its beak*.

The plate in Whitaker's *Loidis and Elmete* (p. 178) shows clearly enough the arrangement of the details of the window as it stood in its original place in the church. The royal arms there occupy the upper portion of the three lights, and the smaller shields were grouped thus: (1) Brearey, (2) Arthington, (3) Kirke.

The arms of Kirke are given by Thoresby (*Ducatus Leodiensis*, 2nd ed., p. 158, where there is a pedigree of the family) as *Parted per fesse or and gules a lozenge counter-changed*, and the same arms appear on the book-plate of Thomas Kirke, F.R.S., of Cookridge, the friend and distant relative of Thoresby, who died 24 April, 1706. He is, without doubt, the person in whose honour the arms were inserted in the window, and it is noteworthy that a stained-glass memorial of him, by the same artist, still exists in Adel Church.¹

The Brearey family originated in the parish, taking their name from the hamlet of Brearey. In Dugdale's *Visitation of Yorkshire with Additions* (ed. by J. W. Clay), iii, 271, the arms are blazoned as in the Adel window, with the addition of *a canton azure*. The arms in the window commemorate Dr. William Brearey, Rector of Guiseley and Adel, 1676-1702, and Archdeacon of the East Riding, who was buried at St. John's, York, on March 9th, 1701-2. His first wife was Mary, daughter of Robert Hitch, D.D., Dean of York, and formerly Rector of Guiseley and Adel.

The arms of the Arthington family have been recorded so variously by different authorities that it is somewhat difficult to say what the correct version is. The heralds in 1530, 1584-5, and 1612, allowed the family *Or a fesse between three escallops gules* (Surtees Soc., xli, 21; Foster's *Visitations of Yorkshire*, p. 271). No arms are found at the head of the pedigree in 1563-4 (Harl. Soc., xvi, 7), and the family did not record their arms and pedigree at Dugdale's heraldic perambulation of the county in the days of Charles II. As depicted in the Adel window the arms are found

¹ Thoresby Society, v, 205.

in Harl. MSS. 802 (Thoresby Soc., ii, 117), where they are described as being taken from "The Antient Visitation of Skiracke in Yorkshire," and are attributed to William Arthington, of Arthington, Esq. In Sir William Fairfax's Book of Arms, printed in Foster's edition of the *Visitations of Yorkshire in 1584-5 and 1612*, p. 647), the shield is described as *argent* with a *red fesse and escallops*. In an old roll of arms professedly of the reign of Edward I, but containing many arms of later date, printed in the same book (p. 400), Arthington is given as *Argent, a fesse between three escallops sable*, and the same blazon is given by Thoresby for the shield at the head of the pedigree of the family in the *Ducatus* (2nd ed., p. 7), and also on the monument at Warmfield or Kirkthorpe Church to Dorothy, wife of John Armitage, of Kirklees, who was a daughter of Cyril Arthington, and died 29 July, 1683.¹

The shield in the Adel window doubtless commemorates either Henry Arthington of Arthington, who died 23 February, 1681-2,² the year in which the window was inserted in the church, or his relative and successor, Cyril Arthington.

There is a short account of Henry Gyles, the artist, in the *Dictionary of National Biography*, and in the *Yorks. Arch. Journal* (xiv, 428n.), and a few letters addressed to him are also published in the same *Journal* (pp. 428-9, 439, 440), only one of which (from Sir John Goodricke) is of heraldic interest. There are several letters written by Gyles to Ralph Thoresby in Thoresby Soc., xxi.

I have to thank Mr. H. E. Wroot for drawing my attention to to an interesting notice of Henry Gyles and his work, which is to be found in Robert Davies' *Walks through the City of York*, pp. 170-174, which is followed by references to the other York glass painters who succeeded him. Mr. Davies dated the Guildhall window at York (1682) as Gyles' earliest work; but the window at Adel was inserted in the previous year, and it is certain that the artist was at work on a window at Ripon Minster as early as 1663.³ In all probability other examples of his art may be found in shields of the Lewis family in the chancel of Ledsham Church, and in the small quartered achievement of Francis Rawdon in the north aisle at Guiseley.

Finally, it must be confessed that the artist provided the arms

¹ *Yorks. Arch. Journal*, i, 59.

² Thoresby Society, v, 206.

³ *Yorks. Arch. Journal*, xiv, 428.

of the Kirke family of Cookridge, which he depicted at Adel with an entirely unauthorised addition in the shape of the canton containing the sejant lion. This appears to have been borrowed from the honourable augmentation granted to Captain David Kirke, descended from a Derbyshire family, who bore anciently (like Kirke of Cookridge) *Per fesse or and gules, a lozenge counter-coloured*; “but now by this patent by R. St. George, Clarenceux, dated 1 Dec., 1631, this augmentation is added to commemorate the enterprise and employments of the said Captain David Kirke, and his brother both on land and at sea; they being Admiral and Chief Commander of a small fleet, fought and defeated the French fleet under M. de Rockmond, and following year took Canada and made prisoner the Governor. For which the said David Kirke, and his brother Captain Lewis Kirke, and Vice-Admiral Thomas Kirke, with James and John their brothers, are granted a canton of the arms of M. de Rockmond, Admiral of the French fleet, viz. *Az. a lion ramp. or, supporting the blade of a falchion Arg.*, with this difference, the lion is to be *couchant collared and chained Arg.* Crest,—*an arm emb. in armour, grasping with the gauntlet a falchion all ppr. garnished Or*” (*Genealogist*, N.S., xx, 64). A glance at Thoresby’s pedigree of Thomas Kirke will show that the squire of Cookridge could not claim those valiant “captains courageous” among his forbears; and the above extract is sufficient to enable us to trace the gold lion to his proper lair from which he should never have emerged to sit in the Adel window.

The Family of Lacy of Cromwellbottom and Lebenthorpe.

By C. T. CLAY, F.S.A.

The origin of this family has given rise to a considerable amount of speculation, much of which is altogether erroneous. Thus Watson, in his account of Southowram in his *History of Halifax* (p. 307), states that "John Lacy, Steward of Chester, had Robert Lord Vice Chancellor of Chester Robert married Eleanor, daughter of Sir Robert Baskerville by whom Brian Lacy, of Chester, who married Amicia daughter of Richard Archdeacon By her he [Brian] had John Lacy, to whom the Office of Arms has allowed the Lacys of Cromwelbothom, and Brearley, to ascend, but no farther." There is not a shadow of truth in an origin so fanciful as this.

The late Mr. William Farrer, in a note in his *Early Yorkshire Charters* (iii, 405), has indicated that the ancestor from whom this family was actually descended was a certain Gilbert de Lascy, who, at the beginning of the thirteenth century, held a sixth part of the lordship of Rochdale in right of his wife, Agnes de Ofram; and the Lancashire evidence relating to Rochdale (see below in the pedigree) seems quite conclusive on this matter.

The first point, then, which arises is the parentage of Gilbert. The evidence which is produced below tends to prove that he was an illegitimate son of Robert de Lascy, lord of Pontefract, who died in 1193, the last male representative of the first Lascy house, and who was succeeded in the Lascy fee by Roger de Lascy, the grandson of his first cousin, Albreda de Lisours, from whom the second Lascy line descended. The evidence is not sufficiently conclusive to amount to an actual proof; but its authenticity was accepted by Mr. Farrer. Certainly Gilbert witnessed several of Robert de Lascy's charters, and was granted land by Robert in Rushton in Bowland. His marriage with Agnes de Ofram, through whom he obtained a sixth of Rochdale, was due to Roger de Lascy, who may have had special motives in benefiting an illegitimate son of his predecessor.

The next point is the origin of the connection with Cromwell-

bottom. The hamlet of Cromwellbottom lies in the valley of the Calder, to the north of the river, and in the southern portion of the township of Southowram. The place has an interest in its association with the murder of Sir John Eland, in 1350, on his return from Brighouse to Elland.

The descent of the manor of Southowram itself is clear. It was held in the thirteenth century and earlier by the family of Eland, probably the representatives of Gamel, who held Elland, Southowram, and Rochdale before the Conquest¹; and in 1290 it was granted to John Lacy of Cromwellbottom on his marriage with Margaret daughter of Sir Hugh de Eland (see below).

At an earlier date than this same year, 1290, when the Statute of *Quia Emptores* became law, the manor of Cromwellbottom must have been created by the process of subinfeudation. The difficulty is to determine when and how it became the possession of the Lacy family. In 1302 it was certainly in their possession, as is shown by the fine of that year (see below); and the terms of the fine indicate that John Lacy did not hold the manor as a result of his marriage with Margaret de Eland, for the remainder was to his right heirs. The earliest reference at present available to any Lacy "of Cromwellbottom" is a deed which appears to be of earlier date than 1246 (see below under John de Lacy (II)). It has always been supposed that the manor was acquired by this family through a marriage with the heiress of the family of Cromwellbottom. This might be true; but no documentary evidence appears to be available to prove it. Watson (*Halifax*, p. 307) says, "John [Lacy] married Ellen (some say Eleanor) daughter and heiress of Robert de Cromwelbothom"; but he gives no evidence, and his account of these early generations is very confused and inaccurate. It is a fallacy to suppose that a family deriving its name from a place necessarily possessed any manorial rights therein; and there appears to be no evidence that the family of Cromwellbottom ever held the manor. On the other hand, the existence of a family of Cromwellbottom in 1374-5 (see below), which at that date certainly did not possess the manor, does not prove that the manor could not have descended at an earlier date to an heiress of an elder branch. But on the whole the present evidence suggests that the manor of Cromwellbottom was not acquired by the Lacy family by any such marriage. And it is at least as easy to assume that it was acquired

¹ Domesday Survey in *Y.A.J.*, xiv, 36; Farrer, *Early Yorks. Charters*, iii, 212; and *Y.A.J.*, xxvii, 226.

through the process of subinfeudation by grant from the manorial lords of Southowram, that is to say, the family of Eland; or, what is perhaps the most likely solution, that it constituted part of the Eland inheritance of Agnes de Oworm, which, like the sixth of Rochdale, was acquired by Gilbert de Lacy on his marriage.¹ If this is the case the manor of Cromwellbottom was held by him and his descendants in the male line for more than four hundred years, until its sale in 1618.²

But in addition to the manor of Cromwellbottom itself there was another manor, or more probably merely a reputed manor, known and precisely defined as the manor of Old or Over Cromwellbottom. To this the following references refer:

(1) July 12, 21 Edward IV (1481). Gilbert Lacy [*i.e.* the ancestor of the Brearley branch, see pedigree below] and Joan his wife granted to feoffees *inter alia* their manor of Overcromwelbothom (Watson's Collections from abstract by Mr. John Lister). In 1484-5 Gilbert Lacy himself did fealty for other land held by suit and service of the manor of Cromwellbottom [*i.e.* of the manor held by the elder branch] (Dodsworth MSS. in *Halifax Ant. Soc. Transactions*, 1924, p. 158).

(2) According to his *inq. p.m.*, Aug. 26, 15 Elizabeth (1573), Hugh Lacy of Brearley [grandson of Gilbert] held "the manor of Old Cromwelbothom" of the Queen as of her honour of Pontefract, in free socage, worth 10*li.* yearly, and he held other land in Southowram of John Lacy of Cromwellbottom as of his manor of Southowram.

(3) According to his *inq. p.m.*, Oct. 21, 27 Elizabeth (1585), John Lacy of Brearley [great-grandson of Gilbert] held "the manor of Old Cromwelbothome *alias* Over Cromwelbothome" of Richard Lacy and John Lacy his son [*i.e.* the elder branch] as of their manor of Southowram, in free socage and a rent of 11*s. 2d.*, worth 10*li.* yearly.

(4) In 1589 John Lacy [of Brearley] was deforciant in a fine of the manor of Over Cromwelbothome *alias* Old Cromwelbothome and three messuages with lands in the same and in Southowram, Elland, and Midgley (*Yorks. Fines, Tudor*, iv, 131).

¹ The fact that Gilbert and Agnes were holding four bovates in Hipperholme in 1202 shows at all events that they held land in the immediate neighbourhood.

² Evidence will be found below showing that the manor of Cromwellbottom was in the tenure of the elder branch in 1302, 1353, 1397-8, 1424-5, 1477, and 1531.

[Born c. 1130-70]

I. GILBERT DE LACY = Agnes dau. of
[?] illegitimate son of Robert de
Lacy (d. 1193), had 4 of Rochdale
in frank-marriage; m. 1193-1202

[c. 1195]

II. JOHN DE LACY =
of Cromwellbottom
living 1235-6, 1290

[c. 1225]

III. JOHN DE LACY = [?] Alice dau. of
John de Pennington
living 1235-6, 1290

[c. 1265]

IV. JOHN DE LACY = Margaret dau. of
Sir Hugh de Eland,
m. c. 1290, d. 1307-10
widow in 1309-10

[c. 1291]

V. HENRY DE LACY = Beatrice
d. 1474, married
twice
VI. JOHN LACY = Isabel
d. ante 1353
VII. JOHN LACY =
[?]

[c. 1320-30]

VIA. JOHN LACY = Isabel
held Cromwellbot-
tom in 1333, d. 1397
heir to his brother,
d. 1416-24

[c. 1370]

VIII. JOHN LACY = [?] Emmota
d. 1474, married
twice
IX. WILLIAM LACY = Jean [?] dau. of
St. Sir William
of Scangill,
living 1444
Mowbray
X. THOMAS LACY = Ellen dau. of
Sir Robert Neville
of Liversedge
b. c. 1440,
d. 1497-99

[c. 1395]

ISABEL = John Peck of Wakefield
b. c. 1390

[c. 1420]

XI. JOHN LACY = Alice dau. of Robert
and heir to her brother
Gswald Leventhorpe,
d. 1530-1
d. 1541
XII. JOHN LACY = Anne dau. of
of Cromwellbottom
and Leventhorpe,
b. 1507, d. 1582
XIII. RICHARD LACY = Alice dau. of
Laurence Towneley
of Barnside
d. 1591
XIV. JOHN LACY = Ellen dau. of
Martin Kirkhead,
d. 1585
XV. THOMAS LACY = Anne dau. of
of Horton, sold the
manors of Crom-
wellbottom and
Southwray in
1618, d. 1634-5
XVI. THOMAS LACY = Winifred dau. of
Adam Hulton
Launce, b. 1628
m. 1667-8
(see Dugdale's *Visitation of Lancashire*.)

[c. 1440]

EDWARD LACY
a priest
living 1487

[c. 1465]

XII. JOHN LACY = Anne dau. of
of Cromwellbottom
and Leventhorpe,
b. 1507, d. 1582
XIII. RICHARD LACY = Alice dau. of
Laurence Towneley
of Barnside
d. 1591
XIV. JOHN LACY = Ellen dau. of
Martin Kirkhead,
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XVI. THOMAS LACY = Winifred dau. of
Adam Hulton
Launce, b. 1628
m. 1667-8
(see Dugdale's *Visitation of Lancashire*.)

[c. 1507]

LEONARD LACY, ANNE = Edmund Oldfield
of the Place in Southwraym

[c. 1537]

Other issue

[c. 1560]

ELLEN = Philip Waterhouse
b. 1567

SARA = Richard
Waterhouse

ELIZABETH = Robert
Bladon of [?] d. v.p.
1611-2
worth

Other issue

ELLEN = Philip Waterhouse
b. 1567

(5) In 1608-9 John Lacy [of Brearley] and others were deforciant in a fine of the manors of Midgley and Over Cromwelbothome *alias* Old Cromwelbothome and messuages and land in Midgley Over Cromwelbothome *alias* Old Cromwelbothome, Southowram, Elland and Halifax (*Yorks. Fines*, Stuart, i, 103).

These references show that this "manor" of Old Cromwellbottom was held by Gilbert Lacy, the ancestor of the Brearley branch, and continued in the possession of his descendants; its origin may have been a block of property carved out of the vill of Southowram by Gilbert's father as an endowment for him, and that it acquired the appellation of "manor." The property was clearly distinct from the manor of Cromwellbottom held by the elder branch of the family.

PEDIGREE.

Arms,¹ as recorded in Glover's Visitation: Quarterly, 1 and 4, *argent six pellets, three, two and one, LACY*; 2 and 3, *argent a bend gobony gules and sable, LEVENTHORPE*.

Crest: A knot argent and purple.

I. GILBERT DE LACY.

c. 1185-1193. He granted, for the health of the soul of Henry Foliot, his lord, to the monks of Pontefract one bovate in Barnby-upon-Don, to hold by the service of $\frac{1}{8}$ kt. fee; also two bovates in Great Harwood, co. Lancs., which he held of Thomas the priest. Witnessed by Robert de Lascy, Adam de Rainevill then steward, and others (*Pont. Chartulary*, No. 5; Farrer, *E.Y.C.*, No. 1786). Gilbert is described in this entry as *filius Roberti de Lasci*, the *Roberti*, as Mr. Richard Holmes states in his edition of the Chartulary, having been filled in by a later hand. Mr. Farrer suggests, in the heading to his printed copy, that *Roberti* is correct, and that Gilbert was his illegitimate son; he adds that the land in Barnby-upon-Don belonged to the Percy fee. The two bovates in Great Harwood had been granted to Gilbert by Thomas the priest, who was holding them of Henry de Eland, free from all service except forinsec service, rendering 3s. and spurs worth 3d. (*Pont. Chartulary*, Nos. 240, 408).

¹ For the differences used by the Melton Mowbray and Brearley branches see below under John Lacy (VIII); and for a different crest on the south porch of Halifax Church see John Lacy (XI).

post 1193. He quitclaimed to the monks of Kirkstall all right in two bovates in Rushton in Bowland, which he formerly held of the grant of Robert de Lascy; these two bovates had been granted to Kirkstall by Roger de Lascy, Constable of Chester, the monks being bound to find two foresters to guard the forest of Bowland (*Kirkstall Coucher*, Nos. 283, 282).

1185-1210. Henry de Vernoil granted to him and the monks of Pontefract two acres of meadow in Kellington; Gilbert had made the monks heirs of this tenement (*Pont. Chartulary*, No. 231; Farrer, *E.Y.C.*, No. 1632).

He witnessed a grant by Henry de Lascy to St. Leonard's, York, of land in Saxton, 1165-75¹ (*Chartulary* in Farrer, *E.Y.C.*, No. 1567); a grant by Robert de Lascy to the monks of Kirkstall of the vaccary by La Roundhay, etc., 1177-c. 1185 (Farrer, *E.Y.C.*, No. 1509, printing names of witnesses not in *Kirkstall Coucher*, No. 151); a grant by Robert de Lascy to Walter son of Asward de Grindleton of land in Grubhall, 1177-93 (Farrer, *E.Y.C.*, No. 1520); and a grant by Robert de Lascy to Ralph the cook of two bovates in Lofthouse, c. 1180-93 (Dodsworth MSS. in Farrer, *E.Y.C.*, No. 1818).

He also witnessed a grant by Robert de Lascy to the monks of Pontefract of two bovates in Great Marsden, co. Lancs. (*Pont. Chartulary*, No. 8); a grant by Robert de Lascy to his uncle, William fitz Eustace, of one bovate in Great Marsden, c. 1190 (*Ibid.*, No. 27); Roger de Lascy's "little charter" to the burgesses of Pontefract (*Ibid.*, p. xl); a grant by Jordan Foliot to the monks of Pontefract, 1180-90² (*Ibid.*, No. 88; Farrer, *E.Y.C.*, No. 1532); and a confirmation by Jordan Foliot (*Pont. Chartulary*, No. 91); also other documents in the *Chartulary* of a similar date.

Before 1212 Gilbert de Lascy was granted one-sixth of Rochdale by Roger de Lascy in frank-marriage with Agnes daughter of John de Owram (*Book of Fees*, pp. 211-2; and see *Y.A.J.*, xxvii, 228).

This marriage must have taken place after 1193, when Robert de Lascy died, and before July 7, 1202, when Gilbert de Lascy and Agnes his wife are mentioned as holding four bovates in Hipperholme in a fine relating to the dower of Alice widow of Henry de Eland (*Yorks. Fines*, John, No. 36).

His widow Agnes, daughter of John de Owram, probably by a daughter and co-heiress of Henry de Eland (*Y.A.J.*, xxvii, 230),

¹ This date is early, and the witness may be another Gilbert.

² As given by Farrer, and not 1159 as given by Holmes in his edition of the *Chartulary*.

and grand-daughter of Robert de Owram, was claiming, in 1231, land in Bolton-by-Bolland against the Abbot of Sallay and others; this land was of the Owram inheritance; Agnes remitted her right for 5 marks (*Yorks. Fines*, 1218-31, p. 158; and Assize Roll 1042, m. 12 d., there quoted).

II. JOHN DE LACY, of Cromwellbottom.

John son of Gilbert de Lascy witnessed a deed in the early part of the thirteenth century, by which Alexander the clerk, son of Adam de Spotland, granted to John his brother certain land in Spotland, in the parish of Rochdale (*Whalley Coucher*, p. 731).

Ante 1246. John de Lasci of Crumbwallebothem witnessed a deed relating to land in Southowram (*Yorks. Deeds*, iii, No. 387).

Mr. Farrer states that Gilbert was succeeded by three Johns successively (*E.Y.C.*, iii, 405); and this is borne out by chronological considerations.

III. JOHN DE LACY, of Cromwellbottom.

July 29, 1255. John de Lascy witnessed a quitclaim by Gilbert son of William de Notton to Sir Edmund de Lascy concerning the manor of Chadderton, co. Lancs. (*Cal. Pat. Rolls*, 1247-58, p. 440).

Nov. 11, 1255. John de Lascy of Crumwelbot' and John the clerk, his brother, witnessed an agreement concerning lands in Fixby (*Yorks. Deeds*, iv, No. 189).

[?] c. 1260. John de Lascy witnessed deeds relating to Old Lindley and Stainland (*Ibid.*, i, No. 291; and iii, No. 391); and in 1268 a deed relating to Shelf (*Ibid.*, i, No. 411).

[?] c. 1260. John de Lacy of Owram witnessed a deed relating to Elland (*Ibid.*, ii, No. 158).

c. 1280-90. John de Lascy witnessed various Rastrick deeds (*Ibid.*, iv, p. 119n.).

His wife may have been Alice daughter of Alan de Pennington, who is referred to in the following deed, described as of the thirteenth century:

Grant by Alice de Lascy of Crumwelbothym, widow, daughter of Alan de Penyngton, to William de Wayburthwayt [Waberthwaite, co. Cumberland], of land etc., in Wytewra in the territory of Cornay. Witnesses, Sirs John de Hodeliston, Alan de Penyngton, John de Sotehil, John de Hetone, Alan de Coupeland, knts., and eight others named (Lord Muncaster's MSS., *Hist. MSS. Commission*, 10th Rep. App. iv, p. 223).

For this Pennington connection see also below under John de Lacy (IV).

IV. JOHN DE LACY, of Cromwellbottom.

Married Margaret daughter of Sir Hugh de Eland, who in 1290 gave them all his lands and [the services of] his tenants in Southowram, saving the manor of Eland, and excepting certain specified lands, to hold in frank-marriage, rendering 25s. at Martinmas (Dodsworth MSS., vol. 58, f. 46 *b*).

1292. He claimed against Robert de Whitworth and others 15 acres of pasture and 5 acres of wood in Spotland, of which they had unjustly disseised John de Lacy, his father, whose heir he was (Assize Roll, 408 (Lancs.), m. 70 *d.*, Trin. 20 Ed. I).

1292. He claimed the advowson of the church of Rochdale against the Abbot of Stanlawe. Later he quitclaimed his right to the Abbot, and on June 5, 1295, he acknowledged by fine that the advowson of the church of Castleton in Rochdale belonged to the Abbot, who gave him 20*li.* (Feet of Fines, Lancs., 23 Ed. I, No. 71, quoted, with the other proceedings, in Whitaker, *Whalley*, 4th ed., ii, 414).

Oct. 8, 1296. As a yeoman of Hugh de Eland he had protection for one year while staying in Scotland on the King's service (*Cal. Pat. Rolls*, 1292-1301, p. 207).

1299. Henry son of Richard de Hipperholme granted a fourth part of Todmorden to John de Lacy and Margaret his wife (Add. MSS. 32104, quoted in *V.C.H. Lancs.*, v, 230*n.*).

1300. A cause brought against him and his wife Margaret by Margery daughter of Richard de Eland in respect of one bovate and 3s. rent in Southowram, remained without day by the protection of the King given to him as being engaged on the fortification (*munitione*) of Bamburgh Castle (C.P. 40/134, m. 84 *d.*, Trin. 28 Ed. I; and see *Y.A.J.*, xxvii, 235).

Octave of St. John the Baptist, 30 Edward I (1302). Fine between John de Lacy of Crumbwellebothem and Margaret his wife, querents, and Ingellard Turbut, vicar of Halyfax, deforciant, of the manor of Crumbwellebothem, which John admitted to be the right of Ingellard of his gift; Ingellard granted to John and Margaret and the heirs of their bodies, with remainder to the right heirs of John (Feet of Fines 268/77, No. 39).

1302-3. He held a carucate in Oworm [Southowram], where 16 carucates made a knight's fee (*Feudal Aids*, vi, 127).

June 12, 1303. He witnessed an agreement relating to a road and mill in Mirfield (*Yorks. Deeds*, i, No. 323).

May 23, 1304. Novel disseisin to enquire whether Henry son of Richard de Hiperum and John de Lacy unjustly disseised Thomas de Langefelde of 2½ acres of meadow in Todmorden and Hundersfield. John de Lacy said that he held the land conjointly with Margery his wife and brought a charter (*Lanc. Assize Rolls in Whitaker op. cit.*, ii, 442).

Aug. 15, 1307. He witnessed a deed relating to Mirfield (*Y.A.J.*, xii, 260).

Undated. Grant by Alan de Penington, formerly son and heir of Thomas de Penington, to John de Lacy of Crumwelbothum, of all the land which fell to him or could fall to him after the death of his parents in the vill of Bridtwisell [Birtwistle, co. Lancs.]. Witnesses, Sir John de Byron, Henry de Kighley,, William le Fleming, knts., Hugh de Eland,, Richard de Bellomonte, Elias de Birton (*Harl. MSS.* 2074, f. 61, in *Whitaker op. cit.*, ii, 58). The period of this deed can be determined by the fact that Sir Henry de Keighley occurs 1285-1314 (*Y.A.J.*, xxvii, 11-18).

John de Lacy was dead in 1310-1, when his son Henry had succeeded. He had issue:

(1) Henry (VA), who would appear to have been the elder son;

(2) Thomas (VB);

and probably

(3) Margaret, who married Thomas de Thornhill, father of Richard de Thornhill of Fixby, before 1315-6; and was living in 1335 (*Yorks. Deeds*, iii, Nos. 58-9, 104, 243). In 1334 she, described as Margaret de Lasci, joined with her husband in granting to their son Richard all their goods and chattels in the co. of York; this deed was given at Crounbwelbothume (*Ibid.*, No. 59). This may be connected with an order issued to the sheriff in the same year to arrest Thomas de Thornhill and Margaret his wife, Thomas son of Mauger Vavasour, and others, for divers felonies (*Coram Rege* 298, Mich. 8 Edw. III, m. 35).

VA. HENRY DE LACY, of Cromwellbottom.

Feb. 26, 4 Edward II (1310-11). At the inquisition held on the death of Henry de Lacy, Earl of Lincoln, regarding lands in the county of Lancaster, it was found that Henry de Lacy of Crumwelleborton held the hamlet of Birtwistle by homage and service of 4s. yearly, and doing suit at the court of Clitheroe, and also

(described as of Crombewellebothem) half a carucate in Spotland in Rochdale by homage and service of 20s. (*Cal. Inq. P.M.*, v, No. 279).

1313. Henry de Lacy of Rochdale was a co-defendant regarding land in Walton, co. Lancs. (*V.C.H. Lancs.*, iii, 53*n.*).

1326. A settlement of lands in Spotland, Hundersfield, Butterworth, and Castleton in Rochdale was made in favour of Henry son of John Lacy of Cromwellbottom, and Beatrice his wife (Add. MSS. 32104, No. 467, quoted in *V.C.H. Lancs.*, v, 192*n.*).

1334. Henry de Lascy witnessed a grant made by the Abbey of Whalley (*Whalley Coucher*, p. 233).

1353. Geoffrey son of John de Holt had licence to agree with Henry son of John de Lacy concerning the manor of Rochdale; the latter granted him the services of his tenants, namely, the Abbot of Whalley, John de Byron, John de Radcliffe, Roger son of Maud Stikewind, and John de Savile and Isabel his wife (Assize Roll No. 435, m. 18 *d.*, 8, quoted in *V.C.H., Lancs.*, v, 192*n.*). This transaction appears to have terminated the connection between the Lacy of Cromwellbottom family and the manor of Rochdale which had existed during the previous century-and-a-half.

1353. Adam de Birtwisle claimed against Henry son of John de Lacy a bovate of land in Hapton (Assize Roll No. 435, m. 6 *d.*, in *V.C.H. Lancs.*, vi, 509).

1356. Henry de Lacy granted to Gilbert de la Legh all his messuages and lands in Birtwistle in the vill of Hapton (Harl. MSS. 2074, f. 55, in Whitaker *op. cit.*, ii, 58, where the date is given erroneously as 30 Edw. I instead of Edw. III; and Towneley MSS. in *V.C.H. Lancs.*, vi, 509*n.*).

1361. Joan widow of Henry de Lacy of Cromwellbottom granted her dower lands in Birtwisle to Gilbert de la Legh at 25s. rent (*V.C.H., Ibid.*). She was living in 1369 (*Ibid.*).

Henry de Lacy had two wives, Beatrice and Joan, as above, but it would appear that he left no surviving issue.

VB. THOMAS DE LACY.

He was granted by his mother Margaret her lands in Todmorden (Add. MSS. 32104, quoted in *V.C.H. Lancs.*, v, 230*n.*).

1323. Thomas son of John de Lascy was appointed by Thomas son of John de Quernby [Quarmby] as attorney to receive possession of lands in Lindley in Quarmby (Dodsworth MSS. in *Y.A.J.*, vii, 415).

In 1348 a Thomas de Lascy witnessed a deed relating to the manor of Mirfield (*Yorks. Deeds*, i, No. 329).

In the evidence for the proof of age of Mauger son and heir of Thomas Vavasour, taken at York, Tuesday after the Nativity of St. John the Baptist, 27 Edward III (1353), it was stated that Mauger was born at Denton on Saturday before St. Barnabas 6 Edward III (1313), and baptised in the chapel of Denton within the parish of Otley, that Robert de Crumbewelbothum, chaplain, lifted him from the sacred font, and that Mauger Vavasour, knt., and Thomas Lascy were his godfathers (*Cal. Inq. P.M.*, x, No. 126).

His connection with the Vavasour family is further illustrated by an order by the sheriff in 1346 for the arrest of Margaret and Thomas de Lascy, who refused to deliver up Mauger son and heir of Thomas le Vavasour, then in their custody, for the marriage belonged to the King. Margaret may have been Thomas's mother (*Baildon and the Baildons*, ii, 84).

Crabtree (*Halifax*, p. 369) quotes a deed without reference by which, in 3 Edward II (1309-10), Margaret widow of John Lacy covenanted with Richard de Tong that Thomas, her younger son, should marry Margaret daughter of the said Richard; Margaret to maintain them or allow them yearly 6 marks out of the manor of Cromwellbottom.

Thomas may have been the father of Thomas son of Thomas Lascy, who took a share in killing feloniously Sir John de Eland in 1350, and was outlawed for the crime (*Y.A.J.*, xi, 128; xxvii, 242).

His son and heir was certainly John Lacy (VIA); he had another son, Richard Lacy (VIB); and possibly Hugh Lacy, referred to in the proceedings of 1374-5, was also his son.

It is probable that he died before his brother Henry.

VIA. JOHN LACY, of Cromwellbottom.

1353. John son of Thomas de Lascy granted to John de Bollyng, Elias de Burton, and John de Crosseland, chaplain, his manor of Cromwellbothom (abstract of deed in *History of the Stansfeld Family*, p. 118). The dates of this and of the next entry are curious as his uncle Henry was apparently still living; but Henry, whose interests seem to have mainly lain in Lancashire, may have parted with Cromwellbottom in his lifetime.

Aug. 17, 1354. John de Lascy, "lord of Crumwellethum," witnessed a deed relating to Southowram (*Y.A.J.*, xii, 300).

1361. John de Lascy witnessed a Rastrick deed (*Yorks. Deeds*, iii, No. 280).

July 20, 1363. He witnessed a deed relating to the manor of Wyke (Thoresby Society, iv, *Miscellanea*, p. 162).

1363. He was holding land in Birtwisle, co. Lancs. (*V.C.H. Lancs.*, vi, 509*n.*).

1372. John Lascy of Cromwell Bothum and Isabel his wife released to Stephen de Malham their right for themselves and the heirs of Isabel in 7 messuages, 4 bovates and 20 acres of land, and 6s. 1*d.* rent in Skipton, Eastby, Appletreewick, and Bradley in Skipton (*Yorks. Fines*, 1347-77, p. 158).

Monday in first week in Lent, 49 Edward III (1374-5). Assize to recognize if John Lacy son of Thomas Lacy, and Hugh Lacy unjustly disseised John son of Henry de Crumwelbothom, and Agnes his wife of their free tenement in Southourum, namely, 2 messuages, 300 acres of land, 10 acres of meadow, 40 acres of wood, and 4 marks rent; John Lacy submitted the grant made by Hugh de Eland [in 1290] which consisted of 4½ bovates of land in Southowram; and in the pleading he is described as son of Thomas son of John and Margaret. It was found that the tenements put in view were not parcel of the premises granted in 1290, and the general verdict was for the plaintiffs, John and Agnes (Coram Rege, No. 574, Mich. 6 Henry IV, m. 32, which contains a record of the earlier proceedings; also *Yorks. Deeds*, i, No. 155*n.*; the case had been originally begun in Mich. 48 Edward III (1374); see Coram Rege, No. 455, for that term, m. 24).

1379. In the Poll Tax returns John Lascy, franklin, and his wife head the list for Southowram with an assessment of 3s. 4*d.* (*Y.A.J.*, vi, 294).

March 4, 7 Richard II (1383-4). Richard Whittlay granted to John Lacy of Crumwelbothum, Richard Woderove, and John Woderove, all his lands in Southowram late belonging to Adam de Clayroid (*Y.A.J.*, xii, 300).

March 7, 1386-7. John de Esyngwald of Sutton on Derwent released to him and John Woderove all right in an assart in Southowram (*Yorks. Deeds*, i, No. 356).

1394-5. He granted to John King, vicar of Halifax, all his part of all his lands in Lindley, Huddersfield, Stainland, Scammonden, Edderthorpe, and Purston Jaglin (Dodsworth MSS. in *Y.A.J.*, vii, 279; and xii, 56).

1397. He witnessed a Hipperholme deed (*Yorks. Deeds*, i, No. 236).

His *inq. p.m.* was taken March 4, 1397-8; he died seised of the manor of Cromwellbottom in his demesne as of fee tail; Richard Lascy entered the manor as brother and heir, and had full seisin in the lifetime of John Wodrove, who had nothing in the manor at the time of his death (*Yorks. Deeds*, i, No. 155).

The Woodrove connection is not clear; but John Woodrove of Normanton, in his will dated Aug. 2, 21 Richard II (1397), and proved in the following month, mentions the lands and tenements in Crombewelbothom, wishing that Isabel who had been the wife (*compaigne*) of John Lasey be made sure of 12 marks yearly, and that the manor of Crumbewelbothom be in his executor's hands until they should have levied 200 marks to his profit (Thoresby Society, xxiv, *Miscellanea*, p. 321).

The surname of his wife Isabel is unknown, but the fine of 1372 ought to provide a clue, as the property was of her inheritance.

VIB. RICHARD LACY, of Cromwellbottom. Heir to his brother John.

May 11, 1400. As Richard Lascy of Cromwelbothom he witnessed a Fixby deed (*Yorks. Deeds*, iii, No. 110).

1401-2. Richard Lascy held one-fifth of a knight's fee in Owrom [Southowram], lately John Lascy's (*Feudal Aids*, vi, 600).

1399-1411. Between these dates he witnessed various Rastrick deeds (*Yorks. Deeds*, iv, pp. 121-3).

1404-5. As brother and heir of John Lacy he brought a suit against the heirs of John son of Henry de Cromwellbotham, complaining that an error had been made in the proceedings of 1375 (Coram Rege, No. 574, Mich. 6 Henry IV, m. 32; and *Yorks. Deeds*, i, No. 155*n.*).

July 20, 1416. He granted to Oliver Woderove a messuage and 4 bovates in Southowram. On Aug. 1, same year, Oliver Woderove demised them to him for 80 years, and received a quitclaim from Sir William Haryngton, Thomas de Craven and William de Craven—doubtless former feoffees—of all right therein (*Yorks. Deeds*, ii, Nos. 404, *a, b*).

He died before 1424-5 when John Lacy (VII) had succeeded.

VII. JOHN LACY, of Cromwellbottom.

He heads the pedigree in *Glover's Visitation*¹ (ed. Foster, p. 330). His son John, who had a grandson born *c.* 1440 (see below), cannot

¹ From this point I have made use of the MSS. additions to Glover's pedigree compiled by my father, Mr. J. W. Clay, and also his copies of several inquisi-

have been born later than 1400; so that he himself was probably born *c.* 1370, a generation younger than Richard Lacy (VII), whose son and heir he very likely may have been, although as yet there is no proof of this.

1424-5. In a Rental of the honour of Pontefract John Lassy of Cromwelbothome was holding the manor there, lately John Lassy's and paid yearly 12s. 8*d.* at Martinmas (Thoresby Society, xxvi, *Miscellanea*, p. 256). Other entries in this document show that "lately" by no means signifies the immediate predecessor; but in this case it is possible that the entry refers to his son John (VIII); as also some or all of the following references:

1421, John Lascy witnessed a Rastrick deed; Fixby deeds in 1438 and 1448; was trustee for lands in Fixby, 1443-4; and released land in Southowram in 1457 (*Yorks. Deeds*, iii, Nos. 285, 116, 122, 119, 368).

Month from Easter, 37 Henry VI (1459). Fine between John Lacy, querent, and James Thomson and Elizabeth his wife, deforciant, of a third of a messuage, 120 acres of land, and 40s. rent in Crumwelbothom, Owerom, and Halyfax; warranty against Edmund, abbot of Westminster, and his successors; consideration, 40 marks (Feet of Fines, 281/161, No. 45).

In addition to his son John, John Lacy (VII) was probably the father of Isabel who married John Peck of Wakefield; the latter being born *c.* 1390 (*Visitations of the North* (Surtees Soc., cxxxiii), ii, 170).

VIII. JOHN LACY, of Cromwellbottom.

Born *c.* 1395.

1421-2. John Langton, knt., Robert Waterton, esq., Alured Manston, and John Cotes *v.* John son of John Lascy of Southourom, "gentyلمان," Robert Haldworth of Northourom, "husbandman," John Brodley of Hyperom, "draper," and Richard Thorp of Hyperom, "husbandman," in a plea of trespass; the defendants did not appear. (Coram Rege, No. 643, Hilary, 9 Hen. V, m. 3).

See also above under John Lacy (VII).

It is uncertain whether the following note refers to him or to his father:

April 11, 1442. Pope Eugenius IV granted an indult to John

tions which he had collected for that purpose. I also take this opportunity of recording my grateful thanks to Mr. John Lister for much material which he has placed at my disposal for the preparation of this paper.

Lacy, lord of Cromwelbothom, and Emmota his wife, of the dicoese of York, to have a portable altar (*Cal. Papal Letters*, 1431-47, p. 306).

Glover in his pedigree states that he married a Molineux of Lancashire; and Watson (*Halifax*, p. 307) says that one John Lacy married Florence daughter of Robert Molineux; that he married twice is clear from his will; and the preceding note shows that either he or his father had a wife called Emmota.

Writ for his *inq. p.m.* dated Nov. 12, 16 Edward IV (1476); taken Saturday after the Close of Easter, 17 Edward IV (1477). He was seised of the manor of Cromwelbotham in Southowram, held of Henry VI as of his honour of Pontefract; so seised he gave it to Sir Ralph Assheton and William Sayville; worth yearly 40 marks. He died May 6, 14 Edward IV (1474); Thomas Lacy was his kinsman and heir, viz. son of William Lacy, son and heir of the said John, aged 36 years and more.

His will was dated April 5, 1474; proved June 7, 1474. To be buried in Halifax parish church; legacies for the benefit of the churches of Rothwell, Methley (where he had a close of land) and Elland; legacies to every one of the issue of his sons and daughters; mention of his wives both dead. From the terms of his legacies it would appear that he had daughters who married respectively Nicholas Savile, Perceval Amyas, and John Rishworth; and possibly Brian Thornhill of Fixby was another son-in-law.¹ Executors, his sons Richard and Gilbert, Perceval Amyas and John Rishworth (*Reg. Test.*, iv, 4; *Halifax Wills*, i, No. 35).

Of his daughters Joan is given in *Glover's Visitation* (ed. Foster, p. 329) as the wife of Nicholas Savile of the Bank in Southowram, a younger son of Henry Savile of Copley; and a marriage settlement on Agnes, who married Perceval Amyas, is dated Jan. 15, 1457-8, when lands in Marr and elsewhere were settled by his father, John Amyas (Lord Allendale's Deeds, Marr, No. 1).

In addition to his daughters he had sons:

- (1) William [IX], the father of Thomas Lacy (X) and of Edward, a priest, mentioned in the Quarmby arbitration (see below). Glover's pedigree gives William's wife as a Scargill; and Watson (*Halifax*, p. 308) says that she was Joan daughter of Sir William Scargill of Thorpe Stapleton.

¹ The amounts of the legacies specified strongly point to this; and John Thornhill who would thus be his grandson received the same legacy as another grandson. No documentary evidence among the Fixby deeds has yet been discovered to show who the wife of this Brian was; the point is therefore of interest.

William died before Oct. 15, 1444, the date of a commission to the abbot of Kirkstall to veil Joan widow of William Lacy, esq., par. Halifax (*Test. Ebor.*, iii, 329).

- (2) Richard, an executor of his father. Sept. 5, 1474, he released to his nephew Thomas all right in certain messuages in Southowram (*Yorks. Deeds*, i, No. 357). [?] Witnessed a Bottomley deed in 1494 (*Ibid.*, i, No. 70). He had a son John who received 40s. in his grandfather's will. This Richard may have been the ancestor of a branch settled at Melton Mowbray,¹ whose pedigree was recorded in the Visitation of Leicestershire in 1619 (Harleian Society, ii, 75, 186).
- (3) Gilbert, *a quo* Lacy of Brearley.² He married an heiress of the family of Sothill, through whom he became possessed of Brearley in the parish of Halifax. There is a pedigree of his descendants in *Glover's Visitation*, which is susceptible of considerable additions in the light of wills, inquisitions, and deeds; and the family of Lacy of Midgley was a younger line of this branch. Some useful details may be found in a paper in *Halifax Ant. Soc. Transactions*, 1922, p. 128. The matrimonial alliances of the Brearley branch with such families as Symmes, Savile of New Hall, Woodrove of Woolley, and Bosvile of Gunthwaite are worthy of attention. It has been shown above that the reputed manor of Old or Over Cromwellbottom was held by Gilbert Lacy and Joan his wife in 1481, and continued in the possession of his descendants.

X. THOMAS LACY, of Cromwellbottom. Heir to his grandfather.

Born *c.* 1440 (see his grandfather's *inq. p.m.* above).

In 1468 he witnessed a release of the manor of Eccleshill to members of the Scargill family (*Yorks. Deeds*, i, No. 178).

In 1477 he was an arbitrator to decide on the validity of a charter concerning lands in Shibden (*Y.A.J.*, iv, 165).

In 1478 he made a demise of Brighthouse mill (*Yorks. Deeds*, v, No. 22).

In 1480-1 he was acting as a trustee for the Toothill property of the Thornhills of Fixby (*Ibid.*, iii, No. 292).

¹ This branch bore *Argent, six pellets, three, two, and one, a crescent surmounted by a mullet gules for difference.*

² This branch at Glover's Visitation bore the same arms, *i.e.* of the elder branch of Cromwellbottom, with a crescent gules for difference; but in Constable's Roll of 1558 (*Tonge's Visitation*, p. xiii) the difference is given as a mullet sable.

July 26, 1482. He granted to Richard Mylner of Halifax two parcels of land called Sydale [Siddal], parcel of the demesne of Southowram (Turner and Coxe, *Bodleian Charters*, p. 633).

In 1486 he was named one of the executors of the will of Thomas Passelew of Riddlesden (*Test. Ebor.*, v, 43n.).

In 1487 he was claiming against Thomas Stapilton the manor of Quarmby and lands in Lindley, Woodhouse, Scammonden, and Stainland; and the dispute was referred to the arbitration of the Archbishop of York, who issued his award on Oct. 2 of that year, deciding in Stapilton's favour. The dispute was probably due to the terms of the will of William de Quarmby in 1384, who had bequeathed the reversion of this property to Sir Brian Stapilton of Carlton; and Lacy may have based his claim on some hereditary ground (*Yorks. Deeds*, iii, Nos. 270-1 and p. 87n.). The grant by John Lacy (VI A) in 1394-5 relating to property lying in these localities probably bears on the claim.

In 1488 he witnessed a deed relating to Horton (*Yorks. Deeds*, i, No. 251).

In 1497 Thomas Lacy, "squier," brought a complaint against Sir John Sayvil for seizure of cattle in his township of Southowrom and for other riots. He died before Dec. 2, 1499, when his son John was pursuing the case (*Select Cases in Court of Requests*, Selden Soc., p. 1; *Yorks. Star Chamber Proceedings*, ii, 12).

In *Glover's Visitation* it is stated that his wife was a Nevill of Liversedge, and in the additions to *Dugdale's Visitation* (ed. Clay), ii, 155, Ellen daughter of Sir Robert Nevile of Liversedge married Thomas Lacy of Cromwellbothom, her sister Elizabeth marrying Richard Beaumont of Whitley c. 1456—a date which tends to identify this Thomas Lacy. The will of their half-brother, Sir John Nevile, was witnessed in 1501 by a John Lacy, who can thus be identified as the testator's half-nephew (*Test. Ebor.*, iv, 198). Thomas himself was executor of Alice widow of Sir Thomas Nevile of Liversedge in 1481 (*Ibid.*, iii, 245); she being his wife's grandmother.

He had issue: John Lacy (XI).

XI. JOHN LACY, of Cromwellbottom.

He was probably the builder of the South Porch of Halifax Parish Church, in the gable of which are the Lacy arms, and crest of a blackamoor's head; and he was one of the founders of the chapel of St. Anne's, Southowram, at some date earlier than 1530 (*Halifax Ant. Soc.*, 1917, p. 197).

Oct. 18, 1488. He was made a trustee for all the lands of John Rishworth of Coley, his father being then alive (*Yorks. Deeds*, i, No. 225).

In 1491-2 John Lacy of Halifax, gent., witnessed a deed relating to Southowram (*Ibid.*, iii, No. 371).

Henry Savile of Copley, who died in 1510, held of him a messuage and 6 acres of pasture in Southowram by knight service and a yearly rent of 6*d.*, worth 8*s.* yearly (*Ibid.*, i, No. 519).

In 1513 he was appointed a supervisor of the will of Alexander Passelew of Riddlesden (*Test. Ebor.*, v, 44).

In 1514 he was appointed one of the trustees of the lands of John Thornhill of Fixby (*Yorks. Deeds*, iv, No. 214).

In 1522 he purchased the Brighthouse mills from Nicholas Eland (*Ibid.*, v, No. 25).

In 1523-4 he paid a subsidy of 26*s.* 8*d.* on 40 march [*i.e.* marks] land in Southowram (Subsidy Roll, 15 Henry VIII, in *Y.A.J.*, ii, 48).

1526. Fine between Sir Robert Nevill, Thomas Grice, Thomas Sayvell, and Richard Haley, querents, and John Lacy and Alice his wife, deforciant, of the manors of Leventhorpe and Little Horton, and 13 messuages with lands in the same and in Thornton, Allerton, Great Horton, Bradford, and Clayton (*Yorks. Fines*, Tudor, i, 46).

He had a dispute with William Rookes regarding the bounds of the manor of Horton as it adjoined that of Royds-hall, arising from their workings for coal; the award is dated Oct. 21, 21 Henry VIII (1529) (James, *Bradford*, p. 335).

His *inq. p.m.* was taken at Leeds 23 Henry VIII (1531-2). Thomas, his father, was seised of 100 acres of land, 100 acres of pasture, and 20 acres of meadow in Southowram, and granted them to Sir John Nevill, knt., and others; afterwards, at the request of Thomas, they conveyed them to Perceval Amyas, Brian Thornhill, and Richard Lacy, who enfeoffed Sir John Nevill, Nicholas Leventhorpe, and others, who at the feast of SS. Peter and Paul, 21 Edward IV (June 29, 1481) conveyed them to the said John Lacy and Alice his wife, daughter of Robert Leventhorpe; at his death John Lacy was seised of the manor of Cromwelbothome, 16 messuages, 300 acres of land, 200 acres of pasture, 100 acres of meadow, 60 of wood, 400 of moor, and 7*li.* 18*s.* rents; he died June 3 last past; Alice his wife survived; John Lacy, his son, was his heir, aged 24 years and more.

He married Alice¹ daughter of Robert Leventhorpe of Leventhorpe in Bradford Dale, and heir to her brother, Oswald Leventhorpe.

Her *inq. p.m.* was taken Oct. 13, 33 Henry VIII (1541). She was seised of the manor of Leventhorpe and land in Thornton, held of Lady Rosamond Tempest as of her manor of Thornton; also of land in Great and Little Horton and in Clayton, held of the King as of his manor of Bradford; she died April 6 last past; John Lacy, her son, was her heir, aged 34 years.

By her John Lacy had issue:

- (1) John (XII).
- (2) Leonard. In 1533 he granted to John Lacy, his elder brother, the reversion of three parts of Brighthouse mill after the death of their mother Alice (*Yorks. Deeds*, v, No. 27), and he died before 1549-50 (*Ibid.*, No. 404). He is probably the Leonard Lacy of Hipperholme who was buried at Halifax Oct. 27, 1540.
- (3) Anne, who married Edmund Oldfield of the Place in Southowram.

XII. JOHN LACY, of Cromwellbottom and Leventhorpe.

Born 1507.

He was appointed bailiff of Halifax by his father-in-law, Sir Richard Tempest, who was steward of the manor of Wakefield, and was the leader of the attack on Halifax Vicarage in 1536, arising out of the quarrel between Sir Richard Tempest and Sir Henry Savile (Lister, *Life of Dr. Haldesworth, Halifax Ant. Soc. Transactions*, 1902; *Yorks. Star Chamber Proceedings*, ii, 184).

John Rishworth of Coley held of him land in Horton in Bradford Dale worth 20s. yearly (*Yorks. Deeds*, i, No. 142).

In 1534 he had a lease of land in Barkisland and Stainland (*Ibid.*, ii, No. 63).

In 1546, with Anne his wife, he was deforciant in a fine of mills, streams, and land in Southowram, Halifax, and Skircoat, and certain suits in Southowram, John Waterhouse and others of the same family being querents (*Yorks. Fines*, Tudor, i, 121).

In 1557, described as the Right Worshipful John Lacye of

¹ Watson (*Halifax*, p. 308) says that the Leventhorpe heiress was John Lacy's second wife, and that his first wife was Matilda or Mary, daughter of Sir Nicholas Wortley, of Wortley, by whom he had no issue. This may be true; but if the facts given in his *inq. p.m.* are correct, he married Alice Leventhorpe as early as 1481, when he must have been a young man, for his father was born *c.* 1440; on the other hand, Alice's son, John, was born as late as 1507 (see above).

Lewnthorpe, esq., he made a demise of Brighthouse mill (*Yorks. Deeds*, v, No. 30).

March 9, 1559-60. Grant by John Lacye, lord of Great Horton, and Richard Lacye, his son and heir, to Jame Knype, of land in Great Horton (*Kirklees Muniments*, No. 254).

June 5, 1560. Grant by John Lacy of Leventhorp, lord of Horton Parva, of two messuages in Horton Parva (*Ibid.*, No. 257).

In 1579 an unsuccessful suit was brought against John Lacy in the Duchy Court, in the name of the Queen, to recover the manor of Horton (James, *Bradford*, p. 336).

In 1580, with Richard Lacy, gent., his son and heir, he was deforciant of the manors of Southowram and Great and Little Horton, and 200 messuages, 200 cottages, 6 watermills, 3 fulling mills, with lands in the same, and in Cromwellbottom, Leventhorpe, Thornton, Allerton, Bradford, Clayton, Manningham, and Brighthouse. Richard Tempest, Robert Greenwood, Robert Oglethorpe, and John Wilkinson [as trustees] being querents (*Yorks. Fines, Tudor*, ii, 153).

His will was dated Sept. 2, 1582; proved Nov. 10, 1582. Executors his sons-in-law James Stansfeld, Thomas Leigh, Thomas Wood, and children John Lacy, Nicholas Lacy, William Lacy, and Dorothy Waterhouse, widow (*Reg. Test.*, xxii, 284; *Yorks. Deeds*, ii, No. 64).

He married Anne daughter of Sir Richard Tempest of Bracewell and Bowling (*Glover's Visitation*, and also *Visitations of the North* (Surtees Soc., cxxxiii), ii, 173, where he is called John Lacy of Cromvel Betonne).

On April 1, 1580, the wife of Mr. John Lacye of Leventhorp was buried at Halifax:

According to his will and to *Glover's Visitation* he had issue:

- (1) Richard (XIII).
- (2) John, who married at Halifax, Feb. 22, 1562-3, Alicia Hole of Scammonden, and had issue John and Anne.
- (3) William.
- (4) Nicholas, who married Alice daughter of Brian Hardy. [?] He was buried at Halifax May 19, 1595, and she at Halifax Aug. 7, 1584, having had issue Lucy, Alice, and Bridget.
- (5) Peter *s.p.* [?] buried at Halifax Jan. 11, 1578-9.
- (6) Ellen, who married (i) Walter Paslew of Riddlesden (see *Baildon and the Baidons*, ii, 242), and (ii) Thomas Leigh.
- (7) Dorothy, who married at Halifax, Sept. 5, 1552, John Waterhouse of Sowerby Bridge.

- (8) Rosamond, who married Thomas Wood. She was baptised at Halifax July 25, 1539.
- (9) Margaret, who married James Stansfeld of Southowram.
- (10) Elizabeth, who married Walter Hartley
and also
- (11) Hugh, baptised at Halifax Nov. 18, 1540; buried there Nov. 13, 1542; and
- (12) George, buried at Halifax 23 Mar., 1538-9.

XIII. RICHARD LACY, of Cromwellbottom and Leventhorpe.

At Glover's Visitation of 1585.

In 1589, with John Lacy, his son and heir, he was deforciant in a fine of nine messuages with lands in Horton and Great Horton (*Yorks. Fines, Tudor*, iii, 116).

Buried at Halifax July 16, 1591.

He married Alice daughter of Laurence Towneley of Barnside (*Dugdale's Visitation of Lancs.*, p. 308), and had issue:

- (1) John (XIV).
- (2) Anne, baptised at Halifax Dec. 3, 1564.
- (3) Ellen, baptised at Halifax Oct. 26, 1567; married Philip Waterhouse, third son of John Waterhouse of Halifax, to whose memory his widow dedicated a monumental brass in Thornhill church in 1614¹ (*Y.A.J.*, viii, 489; see also *ibid.*, xv, 55).

XIV. JOHN LACY, of Cromwellbottom and Leventhorpe.

He appears to have been of age on Aug. 24, 1582, when his grandfather transferred to him the Brighthouse fulling mill and a fourth part of the corn mill (*Yorks. Deeds*, v, No. 36n.).

In 1586, when he released his right to a messuage in Thornton, par. Bradford, he was styled of Cromwellbottom, his father being styled of Leventhorpe (*Ibid.*, iii, No. 399).

In 1588, with Elena his wife, he was deforciant in a fine relating to Brighthouse mill; in 1589, in a fine of two messuages with lands in Bradford, Horton, and Thornton; in 1590 in a fine of three messuages with lands in Southowram, and in 1593 and 1594-5 in fines of messuages with lands in the same place (*Yorks. Fines, Tudor*, iii, 91, III, 132, 191; iv, 19).

¹ The arms on this brass are curious, the impalement of Ellen's arms consisting of four quarters, the first two being arms based on those borne by Lacy, lords of Pontefract, the third the arms of Lacy of Cromwellbottom, and the fourth those of Leventhorpe. This grandiloquent assumption was not inconsistent with the spirit of that age.

In 1605 he was deforciant in a fine of two messuages, lands, and rent in Leventhorpe, Thornton, and Allerton in Bradford Dale; and in 1610-1, with John his son and heir, in a fine of a messuage and lands in Southowram, Richard and Robert Law being querents (*Yorks. Fines*, Stuart, i, 30, 145).

He married (i) Alice daughter of Martin Birkhead, Queen Elizabeth's Attorney in the North, and by her had issue:

(1) Sara, aged 5 at the visitation of 1585¹; married at Elland, April 15, 1605, Richard Waterhouse.

(2) Elizabeth, who married Robert Bladon of Hemsworth.

Alice, his first wife, was buried at Halifax Aug. 4, 1585, though her Christian name is not given in the register; and he married (ii) in or before 1587 (*Yorks. Deeds*, v, No. 36n.) Ellen daughter of William Lister of Midhope and Thornton in Craven by his wife Bridget daughter of Bartholomew Pigot of Aston Rowan, co. Oxford; Ellen was the sister of Michael Lister of Frierhead in Craven, and of Martin and Matthew Lister, who are mentioned in the fine of 1618; she was not the daughter of Martin Lister of Frerehead, as given by James, nor the daughter of Michael Lister of Frerehead as given by Watson. (For evidence see H. L. L. Denny, *Memorials of an Ancient House: a History of the Family of Lister or Lyster*, pp. 178-180 and 200).

On Jan. 9, 1602-3, the wife of John Lacy of Leventhorpe, esq., was buried at Bradford Parish Church (*Bradford Antiquary*, i, 102).

By his second wife he had issue:

(1) John Lacy.

In Hilary Term, 1611-2, Thomas Gledhill was querent, and John Lacy, gent., son and heir apparent of John Lacy, sen., esq., was deforciant in a fine of the manor of Southowram and a messuage and lands in Cromwellbottom and Southowram (*Yorks. Fines*, Stuart, i, 168). Having regard to the later fine of 1618 it seems probable that John Lacy the younger was merely selling his life interest in reversion.

It is probable that the burial entered in the Halifax Register on March 12, 1611-2, of John Lacy, "patre vivente; potator prodigius," refers to him.

In *Dugdale's Visitation* (ed. Clay), iii, 100, Mary daughter of Alveray Gascoign of Garforth is given as the wife of John Lacy of Cromwellbottom; the dates make it impossible for her to have been the second wife of John Lacy (XII), as given

¹ If this is so it is difficult to see how the baptism of a John, son of Ric. Lacye de Cromlebotom at Halifax on Dec. 16, 1565, can refer to her father.

by Watson (*Halifax*, p. 308). It is possible that she was the wife of this John Lacy the younger.

(2) Thomas (XV).

(3) Richard, of Hemsworth, whose will was dated April 8, 1619, and proved Jan. 11, 1624-5, leaving his sister Elizabeth Bladon, sole executrix (Reg. Test., xxxviii, 322).

He also had other daughters, Averill and Margaret, mentioned in their brother Richard's will; and besides Robert Bladon he had two other sons-in-law named Somerscale and Shore (see the will of Thomas XV); and in *Dugdale's Visitation of Lancashire* two sons-in-law are given as Richard Monke and Thomas Somerscales, both of Gisburn.

John Lacy (XIV) died between 1611-2 and 1618 (see below).

XV. THOMAS LACY, of Cromwellbottom and Horton.

In 1618 he sold the manors of Cromwellbottom and Southowram:

Trinity Term, 1618. Fine between Robert Lawe and Thomas Whitley, querents, Thomas Lacy, Martin Lister and Matthew Lister, deforciant, of the manors of Cromwellbottom and Southowram, and three messuages, lands and rent there; warranty against John Lacy, father of Thomas, and against John Lacy, great-grandfather of Thomas (*Yorks. Fines*, Stuart, ii, 110).

By this transaction Lawe and Whitley each acquired a moiety.¹

According to the additions in Glover's Visitation pedigree Thomas Lacy married a daughter of Roger Winckley of Winckley; and in *Dugdale's Visitation of Lancashire* she is given as Anne daughter of the same. He had issue a son Thomas (XVI). His will was dated May 28, 1634; proved May 6, 1635.

Thomas Lacye of Horton, Esq. I give all my messuages and lands in the Counties of York and Lancaster to the use of my sonne Thomas Lacye and the heires of his body and for default of such issue I give to M^r Edward Winckley of Dunkenhalth my uncle and his heirs all my lands in Longworth Co. Lanc. If my sonne die without issue I give to the children of my three sisters i.e. sister Bladden, sister Somerscale, and sister Shore all my estate in greate and little Horton Co. York equally divided. As to goods and chat-

¹ Mr. John Lister has abstracts of the indentures of bargain and sale concerning the two moieties: Thomas Lacy, of Cromwelbothome, esq., Michael Lister, of Frearhead, esq., Martin Lister of Claydon, co. Bucks., esq., and Matthew Lister, of the City of London, doctor of physic; to Robert Lawe and his heirs, of Halifax, gent.; consideration 99*li.*; a moiety of the manor or lordship of Cromwelbothome, a moiety of the manor house late in the tenure of the said Thomas Lacy (with lands belonging thereto specified in detail); and a moiety of the manor of Southowrome; June 20, 16 James I (1618). A similar indenture in the case of Thomas Whitley, of Sinderhills, Hipperholme, yeoman. These indentures state that John Lacy, Thomas's father, was then dead.

tels debts and funeral expenses to be paid out of whole goods. To Edward Winckley my uncle 20*li*. To Richard Gyles 20*li*. To cosen Robert Swinglehirst my watch. To M^r Charles Walmisley my bay stoned horse and my faulkon. To M^r Edward Parker 20*s*. and all bowes and arrowes. To father Winckley 10*s*. To Edward Pilkington my servaunt 10*li*. and half apparell except best suite and cloake. To Edward Oddye rest of apparell and 20 nobles. To Elizabeth Oddie my old servaunt 10*li*. To M^r Robert Lowde to preach at my funeral 20*s*. To poor of Mitton 3*li*. To goddaughter Avera? Somerscales 5*li*. To Avera Lacie an ould 22 sholling peice. To Sir Martin Lister, knt., my bauld stoned horse. Rest to son Thomas Lacie, and my uncle Edward Winckley to have tuition of my said son. Sir Martin Lister and Edward Winckley and Richard Gyles executors. Witnesses, John Ainsworth, Richard Moody, Henry Cockson and Edward Pilkington (Reg. Test. xlii, 501; from abstract in J. W. Clay's MSS. collections relating to Glover's Visitation).

XVI. THOMAS LACY, of Longworth in the parish of Bolton-le-Moors, co. Lancs.

Born 1628.

In 1640 Joshua Horton of Sowerby purchased the manor of Horton (*Bradford Antiquary*, i, 14; but no reference is given).

Jan. 18, 1667-8. Marriage settlement of Thomas Lacy of Longworth, co. Lancs. [a place mentioned in his father's will], settling the manor or lordship of Longworth on his second wife Winifred; this had been previously settled on his first wife Anne (*Kirklees Muniments*, No. 765). Winifred was a daughter of Sir Francis Armytage of Kirklees, and was baptised at Hartshead Feb. 9, 1642-3 (*Dugdale's Visitation*, ed. Clay, ii, 412).

He recorded his pedigree at Dugdale's Visitation of Lancashire in 1664-5, tracing his descent from John Lacy of Cromwellbottom (XII); he was aged 36 on Nov. 29, 1664; wife Anne daughter of Adam Hulton of Hulton (Hilton is clearly a mistake for Hulton, see the pedigree of Hulton in the same Visitation), by whom he had four sons and two daughters, Roger aged 9 at the same date, Thomas aged 6, Adam aged 4, John aged 2, Anne aged 12, and Hilton (? Hulton) aged 11.

With regard to the manor of Longworth this was held by the Longworth family in 1632 (*V.C.H. Lancs.*, v, 286); the mention of property there by Thomas Lacy (XV) in his will of 1634 suggests that the manor was acquired by him between those two years. In 1738 it was no longer in the possession of any Lacy descendants, for it was then named in a settlement of the estates of William Hulton of Over Hulton (*Ibid.*).

CHRISTOPHER SAXTON OF DUNNINGLEY.

ADDITIONAL NOTE.

Since the foregoing paper has been in print there has been discovered in the Wood MS. in the Bodleian Library the original from which Tanner transcribed the supposed Latin epitaph (printed on page 359). Tanner gives an erroneous reference.

This epitaph, and the accompanying verses, are found on one page and are believed to have been written, or transcribed, by Dr. John Favour, Fellow of New College, Oxford, and to be attributable to a period between the years 1603 and 1611. Dr. Favour was Vicar of Halifax from 1593 until his death in 1623. The quarto volume in which these and other poetical effusions occur was found [by Wood] in the library of a Mr. Henry Foulis, of Lincoln's Inn, in 1669. There is nothing, however, to indicate the original source of these references to Saxton, and the most that can be deduced from them and the surrounding circumstances is that Christopher Saxton had died in, or before, the year 1611, which is not improbable. The manuscript is now MS. Wood, D. 13.

H.G.F.

Christoph. Saxton in Wakefield comitat^s Eborū natus, geometriæ pitissimus, literis ab Elizab: Regina receptis dat' 28^o Julij An^o Regni 15^o vniv^osam Angliam novem annis co'tinuis sūmo labore et industria, opidatim et vicitim pagravit ea'q⁵ integrā nec non in comitatus divisam curiosiss: descripsit, tabulis aeneis insculpi curavit deniq⁵ ad ppetuam rei memoriam nominis sui laudem et Reipub: Anglicanæ emolumētū edidit et divulgavit. Anno Salutis humanæ.

1575

Anglia quod tenuit vibū vix integrā, ademptū
Saxtoniū hæc humilis terra cadaver habet.
Terra cadaver habet, sed et Anglia et æthera famā
Non capiat, vivit, mortuus hic patriæ.

Saxton aliue wo^d England scarce mought hold,
Lieth here interd in bass & cūtry mould:
His body cladd in earth in land & skye his name
Breaks forth, thoughe dead, hee lyves to cūtryes fame.

If y^u for Saxton seeke, behold his grave,
Yet h'is not here, he is in greater grace,
The prince, y^e nobles, gentils, learned haue
Daynd him in court, in house, in study place.
Ther seeke for Saxtons name, ther is it fownd,
His earthly part is only in this grounde.
His flesh in earth, his fame on earth is still,
His soule at rest in heaven, attends Gods will.

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COMPILED BY THE REV. MATSON VINCENT, M.A.

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